

(2011) 12 P&H CK 0167
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 17509 of 2010

Maridula Chauhan

APPELLANT

Vs

Hindustan Petroleum Corporation Limited and Others

RESPONDENT

Date of Decision : 16-12-2011

Acts Referred:

Citation : (2011) 12 P&H CK 0167

Hon'ble Judges : K. Kannan, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

K. Kannan, J.—The petitioner challenges the decision through the order passed by Hindustan Petroleum Corporation Limited passed on 15.9.2010 cancelling the candidature of the petitioner when she had been declared as selected for allocating HP Gas distributorship. The cancellation was on the basis of the investigation report that gave the details of property and the experience certificate given by the petitioner was not worthy of acceptance.

2. The counsel for the petitioner points out that the petitioner had submitted along with the application an experience certificate issued by Dushyant Gas Services and the proprietor had also given an affidavit subsequently affirming the fact that the petitioner had worked as a Computer operator-cum-Assistant Manager with the Dushyant Gas Services. The marks which had been awarded for such experience were sought to be withdrawn on the basis of a field investigation undertaken where the proprietor appears to have given a statement that she had not given any such certificate and that the petitioner had not worked with them at all. When this was brought to the attention of the petitioner, it appears that the petitioner referred to an affidavit of what the proprietor had given and therefore a fresh investigation was undertaken by the respondent. The report of the Investigating Officer was to the effect that she confirmed in writing that the petitioner had never worked at their dealership but however she had given a certificate without understanding the implications. She also wanted the

matter to be closed since she was receiving threatening calls from the petitioner's representative over telephone.

3. Learned counsel for the petitioner would contend that the first statement alleged to have been secured in the investigation that proprietor had never given a certificate could not be true since the second report clearly states that she had given such a certificate but was trying to explain that she had given a certificate without knowing the implications and where it was going to be used. Counsel would therefore argue that Dusyant Gas Services was not coming with the actual facts and she had definitely worked for the said gas agency and the marks already awarded to her on that score could not have been withdrawn.

4. Verification of genuineness of documents ought to be in some form discreet. If such enquiry revealed that the person who gave the certificate was prepared to admit that the petitioner had not worked at all, it would be sufficient to explain the fairness of the decision of the public authority in cancelling the decision taken already that the petitioner should be granted dealership. No amount of proof of certificate at this length of time could avail to the petitioner for the truth has come out by a strong affirmation by the employer that they had never employed the petitioner although they had issued a certificate to such an effect.

5. There is yet another ground urged regarding the property but I am not prepared to go into it since the petitioner who had affirmed the truth of the particulars set out in the application was found to be not true and that was good enough reason to deny to her the benefit of a contract.

6. The impugned decision is to be maintained and the writ petition challenged ought to fail and is accordingly dismissed.