
(2004) 07 P&H CK 0096
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 2724 of 2004

Mohinderjit Singh

APPELLANT

Vs

Hindustan Petroleum Corporation Ltd.and others

RESPONDENT

Date of Decision : 29-07-2004

Acts Referred:

Citation : (2004) 4 RCR(Civil) 215

Hon'ble Judges : Swatanter Kumar, J and J.S.Narang, J

Advocate : Shri R.S. Bajaj, Advocate. Shri B.S. Walia and Shri Girish Agnihotri, Advocates., Advocates for appearing Parties

Judgement

Swatanter Kumar, J.—Mohinder Jit Singh has questioned the allotment of retail outlet dealership given by Hindustan Petroleum Corporation Limited, Regional Office, Jalandhar (for short Corporation), to Smt. Hardeep Kaur respondent No. 4. The said outlet has been allotted in Village Bhulla Rai, District Kapurthala. According to the petitioner this allotment is arbitrary, discriminatory and violative of the policy framed by the said Corporation.

2. On November 20, 2003 respondent corporation issued an advertisement for obtaining retail dealership at different outlets in the State of Punjab. Allocation was to be made even for Bhulla Rai in District Kapurthala and the petitioner being eligible made an application for allotment of retail outlet at that village. Amongst others, the petitioner and respondent No. 4 were the applicants. They were interviewed on February 12, 2004 and ultimately the outlet was allotted to respondent No. 4. This allotment as already noticed has been questioned by the petitioner on various grounds as taken in the petition. It is also the case of the petitioner that even before the interviews were held, respondent No. 4 had raised construction and boundary walls and even constructed a small office for the said purpose. According to inquiries made, the petitioner had told persons and even put up a board that she is going to be allotted the said outlet dealership by the corporation.

3. On February 10, 2004 i.e. two days prior to the interview the petitioner even

made representation to the respondents making these averments. Copy of the said representation is annexed to the writ petition as Annexure P5. Despite this, the allotment was made to respondent No. 4. The protests raised were even published in the news papers.

4. The corporation as well as the private respondents have failed different written statements. It is stated that the selection is fair and has been made on the basis of prescribed criteria. There is no arbitrariness. As per the marks allotted, respondent No. 4 was found to be more suitable and as such the allotment was made to the said respondent. It is specifically denied that the representation dated February 10, 2004 was ever received in the office of the said respondent.

5. We had also directed the respondents to produce the original record in Court and the minutes of the selection board. The record has been produced. We have perused the same. The selection committee consisted of three members and in the final list prepared, the committee had placed respondent No. 4 at merit No. 1 while the petitioner at No. 2 and another applicant No. 3. This merit was prepared out of 7 applicants, all from the same village and having different means and merit. The three members gave individual marks to each of the applicant except the applicants at Nos. 3, 4 and 7 who were absent. Respondent No. 4 was given 271 marks while the petitioner was given 266 marks. The criteria framed by the corporation was duly followed by the committee which is evident from the detailed marksheet prepared by each member individually. The marks were given for land and infrastructures/facilities, capability to arrange finances, educational qualification, capability to generate business and experience and business acumen. It appears from the record that the committee has not exercised any arbitrariness in allocation of marks. It is not disputed before us that respondent No. 4 is more qualified than the petitioner. Under the head of "educational qualification", the petitioner has been given 7 marks while the private respondent 12 marks being holder of higher qualifications. Such consideration by the committee cannot be said to be tainted with arbitrariness. Well established and provided criteria has been followed and the outlet allotted on that basis.

6. With regard to the ground taken in the writ petition regarding construction etc. being raised by the private respondent prior to the date of allotment and the photographs placed on record showing "site for petrol pump", in our view it did not further the cause of the petitioner. This has been specifically denied by the respondent before us. It is the case of the corporation that no representation dated February 10, 2004 was received by the corporation and the petitioner has made incorrect averments in the writ petition. The photographs placed on record also do not show as to when these photographs were taken and of which site. According to the respondent she started raising construction after 12th while according to the petitioner this construction was raised on February 10, 2004. In either of the event nothing much turns on this plea. We do not consider it appropriate to determine this factual controversy between the parties and

particularly in the face of the fact that the respondent corporation has even denied the receipt of the representation alleged to have been made by the petitioner.

In the circumstances aforestated we find no merit in this petition and the same is dismissed while leaving the parties to bear their own costs.