

(2013) 08 RAJ CK 0012
In the Rajasthan High Court
Case No : Civil Writ Petition No. 14225/2013

Ms. Nikita Sharma

APPELLANT

Vs

Bharat Petroleum Corp. Ltd. and Another

RESPONDENT

Date of Decision : 07-08-2013

Acts Referred:

Citation : (2014) 1 WLN 111

Hon'ble Judges : Ajay Rastogi, J

Bench : Single Bench

Final Decision : Disposed Off

Judgement

Ajay Rastogi, J.—Instant petition has been filed with the grievance that her candidature was not considered for allotment of outlet dealership by the respondent Oil Company as she has not been awarded adequate marks for holding land at the location site identified in terms of advertisement. Her submission is that the other incumbent similarly situated has been awarded 35 marks and despite the petitioner also fulfill all the terms and conditions of the advertisement but still she was awarded 25 marks for land and for which no basis has been assigned by the committee.

2. Her grievance is not that why the other incumbent has been awarded 35 marks but her grievance is that she too is also entitled for award of 35 marks for the land which she holds in terms of advertisement and such action is arbitrary & violative of Art. 14 of the Constitution.

3. However, under instruction issued by the oil company such grievance/ complaint regarding award of marks in different heads or the error if committed in the process adopted" by the Committee while awarding marks can be made to the committee constituted in terms of Para 19 of the guidelines for Selection of Retail Outlet Dealers and it will be appropriate to quote the guidelines which reads ad infra:

19. Grievance/Complaint redressal system.-

(a) An aggrieved person may send his/her complaint to the oil company at the address of the customer service cell displayed at the nearest retail outlet of the concerned oil company. Complaints can also be lodged on the website of the oil company. No complaints against dealer selection will be entertained after 30 days from the date of publication of the result of the interview under any circumstances. Pending disposal of complaints. Issuance of LOI shall be kept in abeyance. Disposal" of complaints shall be as per established complaint redressal system as specified herein below

(i) Anonymous/pseudonymous complaints will not be investigated.

(ii) On receipt of a complaint, a letter will be sent by the HPCL to the complainant through Registered Post asking the complainant to submit details of allegation with a view to prima facie substantiate the allegations along with supporting documents, if any, within 30 days. The complainant will be clearly advised that the oil company will examine the complaint and if it is established that the complaint does not have any substance, he/she will be liable for legal action. The oil company will examine response of the complainant and if it is found that the complaint does not have specific and verifiable allegations, the same will be filed.

(b) When a decision is taken to investigate the complaint, the investigation will be done by one Senior Officer of BPCL and will pass a speaking order after giving due opportunity to the complaint etc. Efforts will be made to ensure that the complaints are disposed of within three months from the date of receipt of response of the complainant. Copy of the speaking order will be give to all concerned. Thereafter, decision on the complaint will be taken as under:

(i) Complaints not substantiated: The complaint will be filed and the complainant will be advised accordingly.

(ii) Established complaint: Action will be taken as under

a) In case the selection process for a location was found to be not in accordance with the laid down guidelines resulting in wrong selection of first empaneled candidate, the merit panel will be canceled and all the candidates who have appeared for the original interview only will be called for the re-interview.

(b) In case the dealer selection was done as per laid down guidelines and complaint against the first empaneled candidate is established, action will be taken to cancel the selection of the first empaneled candidate and issuance of LOI to the next candidate in merit panel. Similar action will be taken in case of established complaint against second empaneled candidate also.

(C) If complaint is established against all the empaneled candidates, the location will be re-advertised if it is viable.

4. What is being contended by the petitioner regarding award of marks at least this Court is not in a position to hold a roaming enquiry as to what marks the

petitioner was supposed to be awarded for holding land in terms off advertisement, however, consider appropriate to observe that the petitioner is at liberty to file application before the Grievance/complaint redressal committee referred to above within a period of two weeks and if such complaint is made by the petitioner it is expected from the competent authority to examine and decide the same expeditiously in accordance with Jaw, copy of the decision may be supplied to the petitioner, who if feels aggrieved, will be at liberty to avail appropriate remedy which the law permits. With these directions/observations, the writ petition stands disposed of.