
(2010) 03 OHC CK 0008
In the Orissa High Court
Case No : Writ Petition (C) No. 1053 of 2009

Satis Goel

APPELLANT

Vs

State of Orissa and others

RESPONDENT

Date of Decision : 03-03-2010

Acts Referred:

Citation : (2011) 1 OLR 453 Supp

Hon'ble Judges : R.N. Biswal, J

Bench : Single Bench

Judgement

R.N. Biswal, J.—The petitioner in all the writ petitions, except the petitioner in W.P.(C) No. 2604 of 2009, being the applicants for their appointment as Storage Agent of Lahunipada Block under Sundargarh District and the reliefs claimed by them being almost similar, all the writ petitions are heard analogously and the following order is passed.

2. Pursuant to the advertisement dated 13.10.2006 issued by the Managing Director, Orissa, State Civil Supplies Corporation Limited (hereinafter referred to as "Managing Director, OSCSC") inviting applications for appointment of Storage Agents in different Blocks/ ULDs, except the petitioner in W.P.(C) No. 2604 of 2009 and one Sanjib Kumar Khatua, the petitioner in all the writ petitions, applied for appointment of Storage Agent in respect of Lahunipada Block. The Collector, Sundargarh recommended the name of Ashok Kumar Agarwal, Sita Ray and Ranjit Patra, the petitioner in W.P.(C) No. 2602 of 2009, W.P.(C) No. 1053 of 2009 and W.P.(C) No. 4790 of 2009 respectively.

3. The Managing Director, OSCSC Ltd. did not select Ashok Kumar Agarwal, as it was alleged by Shri Rabi Narayan Naik, the then, M.L.A of Kuchinda that he was a resident of Sambalpur and on enquiry it was found to be correct. The Collector, Sundargarh withdrew the recommendation in respect of Ashok Kumar Agarwal.

Learned counsel appearing for Ashok Kumar Agarwala submitted that residential certificate was issued by the Addl. Tahasildar Bonai under Annexure-A/3 showing

Ashok Kumar Agarwala to be a resident of village Sukapali under Lahunipada Block. Without cancelling Annexure-A/3, it can not be said that Ashok Kumar Agarwala is not a resident under Lahunipada Block.

4. Annexure-A/3 shows that Ashok Kumar Agarwal is resident of village Lapanga under Sambalpur district. However, it further shows that his family members ordinarily reside in village Sukapali under Lahunipada Block. As per V(2)(i) of the Guidelines for appointment of storage agents, the applicant must be a resident of the Block/VLB he/she has applied for. As stated earlier Annexure-A/3 shows that Ashok Kumar Agarwal is a resident of Lapanga under Sambalpur district. So, even if his family members ordinarily reside at Sukapali under Lahunipada Block, he can not be selected as Storage agent of Lahunipada Block. Ext.A/3 is not required to be cancelled. So, the submission of learned counsel for Ashok Kumar Agarwal is not tenable. Similarly, even though, Sita Ray was a resident of Lahunipada Block, in the year 2006 she married to one Jitendra Naik of village Ghodabandhuni under Kuchinda Block in Sambalpur District for which her case was not considered. Ranjit Kumar Patra was selected as storage agent of Lahunipada Block by the Managing Director, OSCSC Ltd., but the Collector, Sundargarh refused to execute agreement with him as required under the relevant Guidelines, since during his selection he was the retailer in respect of Kerosene Oil of Khurda-Hat Sales Centre under Lahunipada Block. He filed the writ petition with prayer to direct the Collector, Sundargarh to execute the agreement with him. According to Ranjit Kumar Patra, he resigned from retailership of Kerosene Oil of Kurda Hat Sales Centre, on being selected as storage agent of Lahunipada Block. His resignation was accepted on 18.11.2008 under Annexure-6 by the Sub-Collector, Banai with effect from the date of resignation i.e., 21.10.2008. As per Clause-5 (3) (x) of the relevant Guidelines, persons who themselves or whose family members are operating P.D.S. Fair Price shops of hold another P.D.S. Wholesale/ sub-wholesale license in P.D.S. commodities shall not be eligible for being appointed as storage agents. Since Ranjit Kumar Patra was the retailer of Kerosene Oil in respect of Kurda Hat Sales Centre by the time he was selected, his case was not considered. But as found from Annexure-6, in the meantime, he has already resigned from the said retailership. He is a local man belonging to S.C. community. So, learned counsel appearing for Ranjit Kumar Patra submitted that the Collector, Sundargarh should be directed to execute necessary agreement with Ranjit Kumar Patra.

5. As per the case of Satis Goel, the petitioner in W.P.(C) No. 1053 of 2009, he was selected for appointment as storage agent of Lahunipada Block by the Board of Directors of Orissa State Civil Supplies Corporation Ltd. As found from record, he was not permitted to execute agreement on the ground that he is not a permanent resident under Lahunipada Block. According to him, he completed his schooling under Lahunipada Block and earlier her mother was a storage agent under the same Block. Since in absence of recommendation of Collector, he was appointed by the Board of Directors of Orissa State Civil Supplies Corporation Ltd., being annoyed, the Collector is not executing the agreement with him. As

per the relevant Guidelines, a person applying for storage agent of a Block/ULDs, must be a resident of that Block/ ULDs. Satis Goel is not a resident of Lahunipada Block. Only because he completed his school carrier under Lahunipada Block and his mother was a storage agent of that Block earlier, it cannot be said that he is a resident of that Block. So, his case has not been rightly considered.

6. Birbal Prasad Ray, the petitioner in W.P.(C) No. 2604 of 2009 was appointed as storage agent under Lahunipada Block for the financial year 2005-2006. He did not apply for appointment for the year 2008-2010. But, as the selection of storage agent under Lahunipada Block has not been finalized as yet, he is continuing as such from time to time till date. Since the petitioner is not an applicant for appointment as a storage agent for the year, 2008-2010, he has no locus standi to file this case, as such, his prayer is rejected.

7. As stated earlier, Ranjit Kumar Patra was duly selected as storage agent of Lahunipada Block, but the Collector, Sundargarh did not execute the agreement with him since he was a retailer of Kerosene Oil in respect of Kurda Hat Sales Centre under Lahunipada Block. In the meantime, as stated earlier, he has already resigned from the retailership of that centre. He is a local man. He belongs to S.C. community. After he resigned from the retailership of Kerosene Oil, he is no more disqualified for appointment as a storage agent.

8. Therefore, under such circumstances, all, but W.P.(C) No. 4790 of 2009 stand dismissed. The prayer of Ranjit Kumar Patra (petitioner in W.P.(C) No. 4790 of 2009) is hereby allowed. The Collector, Sundargarh is directed to execute the agreement with Ranjit Kumar Patra on compliance of all the necessary formalities, within a period of three weeks from the date of receipt of this order.

Accordingly, the writ petitions are disposed of. No cost.