
(2013) 04 AHC CK 0158

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 17634 of 2013

Sonu Kumar Rauniyar

APPELLANT

Vs

Union of India and Others

RESPONDENT

Date of Decision : 02-04-2013

Acts Referred:

Citation : (2013) 04 AHC CK 0158

Hon'ble Judges : Satya Poot Mehrotra, J and Yogesh Chandra Gupta, J

Final Decision : Disposed Of

Judgement

Yogesh Chandra Gupta, J.

The present Writ Petition has been filed under Article 226 of the Constitution of India, inter alia, praying for quashing the result dated 25.02.2013, as contained in Annexure 4 to the Writ Petition.

It appears that pursuant to the advertisement, dated 12th October, 2011, issued by Indian Oil Corporation Ltd., for grant of Petrol/Diesel Rural Retail Outlet (Kisan Seva Kendra) Dealership, the petitioner submitted an application for grant of the said dealership in respect of the location in question. The respondent no. 4 herein also applied for grant of the said dealership. Interview was held on 25.02.2013. Thereafter, the result dated 25.02.2013 was declared. Copy of the said result has been filed as Annexure No. 4 to the Writ Petition. As per the said result, the respondent no. 4 was placed at the first position while the petitioner was declared as not qualified.

The petitioner, being aggrieved by the said result, has filed the present Writ Petition seeking the reliefs, as mentioned above.

We have heard Sri A.P. Tiwari, learned counsel for the petitioner and Sri Sanjeev Singh, learned counsel for the respondent nos. 2 & 3.

Sri Sanjeev Singh, learned counsel for the respondent nos. 2 & 3 has raised a preliminary objection that the petitioner has got an alternative remedy under

Clause 18 of the Brochure, issued by Indian Oil Corporation Ltd., for Selection of Petrol/Diesel Rural Retail Outlet (Kisan Seva Kendra) Dealers. The said Brochure has, hereinafter been referred to as "the Brochure".

Sri Sanjeev Singh, learned counsel for the respondents no. 2 & 3 further submits that the Competent Authority for dealing with the complaint under Clause 18 of the Brochure is the respondent no. 2.

Sri Sanjeev Singh, learned counsel for the respondent nos. 2 & 3 further brings to the the notice of the Court that the averments made in paragraph 8 of the Writ Petition show that the petitioner has already filed Complaint dated 13.03.2013 in regard to his grievances, as raised in the present Writ Petition. Copy of the Complaint dated 13.03.2013 has been filed as Annexure No. 5 to the Writ Petition.

Sri A.P. Tiwari, learned counsel for the petitioner submits that as no action has so far been taken on the Complaint made by the petitioner, the petitioner has filed the present Writ Petition praying that direction be given to decide the said Complaint dated 13.03.2013 made by the petitioner.

Having regard to the facts and circumstances of the case and having considered the submissions made by the learned counsel for the parties, and keeping in view Clause 18 of the Brochure, we are of the view that the interest of justice would be subserved, by disposing of the Writ Petition with the following directions:

- (1) The petitioner will submit an application along with certified copy of this Order as well as a copy of his Complaint dated 13.03.2013 before the respondent no. 2 within six weeks from the date of issuance of certied copy of this order .
- (2) On receipt of the said application along with the documents, mentioned above, the respondent no. 2 or the authority to whom the respondent no. 2 forwards the complaint made by the petitioner, will proceed to consider the Complaint, and pass speaking order thereon in accordance with law, expeditiously, preferably within a period of two months from the date of receipt of the said application along with the documents, after giving reasonable opportunity of hearing to the petitioner and the respondent nos. 2, 3 and 4 as well as all other concerned persons.
- (3) Till 31st July, 2013 or till the disposal of the said Complaint made by the petitioner, whichever is earlier, Letter of Intent will not be issued to the respondent no. 4.

The Writ Petition is, accordingly, disposed of with the above directions.