
(2014) 03 AHC CK 0042
In the Allahabad High Court
Case No : C.M.W.P. No. 17265 of 2014

Zaved

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision : 26-03-2014

Acts Referred:

Citation : (2014) 4 ALJ 525 : (2014) 104 ALR 338 : (2014) 123 RD 831

Hon'ble Judges : Vivek Kumar Birla, J;Amreshwar Pratap Sahi, J

Bench : Division Bench

Advocate : Nanhe Lal Tripathi, Advocate for the Appellant; Prakash Padia and Smt. Neeru Devi, Advocate for the Respondent

Final Decision : Dismissed

Judgement

Amreshwar Pratap Sahi and Vivek Kumar Birla, JJ.—Heard learned Counsel for the petitioner Sri Nanhe Lal Tripathi, Sri Prakash Padia for the respondent Nos. 2 to 4 and Smt. Neeru Devi for the respondent No. 1. The award of L.P.G. Distributorship at Lalitpur under the open category is being questioned by the petitioner on the ground that the respondent No. 5 was ineligible and even the process adopted for draw of lots was violative of the guidelines so prescribed.

2. The petitioner had filed a writ petition before this Court in which a direction was issued being writ petition No. 14920 of 2013 to decide the said complaint of the petitioner. The same has now been decided by the impugned order dated 24.2.2014 recording three findings.

3. The first finding is that the respondent No. 5 does not suffer from any ineligibility, inasmuch as, he had filled up his form under the married category. The family unit as defined under Clause 7.1(iv) is as follows:

7.1 Common Eligibility Criteria for all categories applying as individual

The applicant should

(iv) Fulfill Multiple dealership/distributorship norm as under:

Multiple Dealership/Distributorship norms means that the applicant or any other member of "family unit" should not hold a dealer-ship/distributorship/R.G.G.L.V. or Letter of Intent (L.O.I.) for a dealer-ship/distributorship/R.G.G.L.V. of a P.S.U. Oil Company i.e., only one Retail Outlet/S.K.O.-L.D.O. dealership/L.P.G. distributor-ship/R.G.G.L.V. of P.S.U. Oil Company will be allowed to a "Family Unit".

"Family Unit" in case of married person/applicant, shall consist of individual concerned, his/her Spouse(s) and their unmarried son(s)/daughter(s). In case of unmarried person/applicant, "Family Unit" shall consist of individual concerned, his/her parents and his/her unmarried brother(s) and unmarried sister(s). In case of divorcee, "Family Unit" shall consist of individual concerned, unmarried son(s)/unmarried daughter(s) whose custody is given to him/her. In case of widow/widower, "Family Unit" shall consist of individual concerned, unmarried son(s)/unmarried daughter(s).

4. The parents of a married person are therefore not included within the family unit. Consequently, the finding has been recorded that even if the father of the respondent No. 5 is running his own agency, the said respondent will not become ineligible. Having perused the said brochure as also the findings recorded, we find no perversity in the impugned order to that extent.

5. The second ground taken is that the respondent No. 5 was already working in his father's agency. The same has been rejected by the respondent on the ground the same is not an ineligibility condition and to the contrary the respondent No. 5 will have to resign in case the agency is awarded to him. The aforesaid reasoning also does not appear to be contrary to the guidelines and hence there is no reason to interfere with the same.

6. The third contention was with regard to the death of one of the applicants, namely, Pawan Kumar Jain at the time of draw of lots. The finding recorded is that no information was available in this regard when the lots were drawn. Learned Counsel submits that an oral information had been given. In the absence of any such evidence an oral information cannot be countenanced, inasmuch as, according to the petitioner himself subsequently while moving the complaint the petitioner appears to have intimated about the date of death of Pawan Kumar Jain. In our opinion, the finding does not get vitiated on that count. The writ petition lacks merit and is accordingly dismissed.