

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.7088 of 2025
Decided on: 23.12.2025

M/s R.K. Company

... Petitioner

Versus

State of H.P & Ors.

... Respondents

Coram

Hon'ble Mr. Justice Ajay Mohan Goel, Judge.

Whether approved for reporting?¹ yes

For the petitioner : Mr. Vinod Kumar Thakur, Advocate.

For the respondents : Mr. Anup Rattan Advocate General with Mr Pushpinder Jaswal Additional Advocate General for respondent No.1 to 3.

Mr. Pawan K. Sharma, Advocate, for respondent No.4.

Mr. Hamender Singh Chandel, Advocate, for respondent No.5

Ajay Mohan Goel, Judge (Oral)

By way of this writ petition, the petitioner has inter alia prayed for following reliefs:-

(I).That an appropriate writ, order or direction may very kindly be issued directing the respondents to quash and set aside the work order dated 10.04.2025 (Annexure P-6).

(ii).That the respondent No.4 may kindly be directed to adopt the fair, transparent and logical method for selecting and awarding the work in the interest of justice.

2. Brief facts necessary for the adjudication of this writ petition are that the Himachal Pradesh State Electronic Development Corporation received a request

¹ Whether reporters of the local papers may be allowed to see the judgment?

from the Principal of Jawahar Lal Nehru, Government Medical College Chamba Annexure P-1 regarding hiring of manpower on outsource basis for Trauma Care Centre. In light of the procedure in vogue, HPSEDC sent requisition to the empanelled vendors as per the standard operating procedure of the HPSEDC which included vendors of Category A and Category B. Thereafter, in terms of the proceeding of the Committee meeting held on 10.03.2025 at HPSEDC Shimla, for providing manpower to the said Medical College, the Committee decided that as amongst 12 agencies, which included 9 agencies belonging to Category A, the Data Controller had gone through the documents and after careful evaluation, the Committee determined that M/s Global Sanitation Service had most relevant experience for providing the relevant manpower as said agency was already providing similar service to the same user department as similar experience claim was duly supported with the satisfactory user department therefore it recommended that the same be considered for work allocation in this instance.

3. Feeling aggrieved, the petitioner has approached this Court. The contention of the petitioner is that in light of the fact that the petitioner was similarly situated as the respondent, the recommendation of the Committee was arbitrary as no reasoning stood given wherein, as to why, the petitioner was being ignored in light of the experience which the petitioner was possessing. It is further the contention of the petitioner that the petitioner has also supplied manpower to the college in issue, yet, M/s Global Sanitation Service stood arbitrarily selected. It is in this background that the writ petition has been filed.

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4. Learned Counsel for the HPSEDC as well as the learned counsel for the private respondent have submitted that there is no merit in the petition for the reason that the reasons which have been given by the Committee are cogent reasons as what weighed with the Committee was the fact that the selected service provider was having sufficient experience of providing manpower as it was already providing similar service to the same user department and was also possessing similar experience, which was duly supported along with a satisfactory report from the user department. Learned Counsel thus submitted that as the decision of the Committee was transparent and based on the objective evaluation of credential of the service provider, therefore, there was no infirmity in the impugned order.

5. I have heard learned counsel for the parties and have carefully gone through the pleadings as well as the documents appended.

6. It is not in dispute that in terms of SOP invoke HPSEDC, whenever requisition is placed before HPSEDC, it does not undergo any process of advertisement but it invites proposal to supply the manpower from the empanelled vendors who are empanelled with H.P State Electricity Development Corporation as was pointed out by the learned Advocate General, who also assisted this Court in the matter. Learned Advocate General informed the Court that as far as the empanellement of vendors was concerned, it is duly transparent process, in which all eligible vendors are given opportunity to be empanelled so that when actually the

requirement is placed by any Department etc, the necessary manpower can be provided at the earliest.

7. Coming back to the facts of the case as observed above, it is not in dispute that both the petitioner as well as the selected vendor are class A vendors along with seven other vendors, who participated in the process.

8. This Court is of the considered view that in the light of this fact that there were seven vendors similarly situated before the Committee as is also evident from the minutes of the Committee, which does not spell out any qualitative difference in the kind of service rendered by the said vendors, something more was required to be done by the Committee in addition to what was done by it in terms of the impugned minutes. This Court is not even remotely suggesting that the private respondent could not have been selected, but in the light of the fact that the Committee was dealing with seven vendors, who were similarly situated, the Minutes of the Meeting should have been very specific as to why the private respondent was being considered and why others were being ignored. The comparative merit of each vendor should have been mentioned in the Minutes of the Committee and simply by saying that it was determined that M/s Global Sanitation Service has the most relevant experience of providing the required manpower and this agency is already providing similar services to the same user department", does not suffice the purpose.

9. This Court is of the considered view that because a Service Provider is already providing services, this does not mean that said Service Provider has any

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overriding right to get the work order unless the procedure so provided. If other vendors are equally situated, they also require a chance to be given. All these aspects have not been discussed by the Committee in the impugned Minutes of Meeting, which renders its decision arbitrary.

10. Accordingly, this petition is allowed. The Minutes of the Committee dated 10.03.2025 (Annexure P-5) are quashed and set aside. The Committee is directed to take a fresh call on the issue, taking into consideration the respective merit of the vendors and pass an order which should be both reasoned and speaking. Needful be done within three weeks from today. The petition stands disposed of, so also pending miscellaneous applications, if any, also stand disposed of.

(Ajay Mohan Goel)
Judge

December 23, 2025
(meera)