

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No. 1115 of 2015 (O&M)
Date of Decision: 29.09.2015

Smt. Sudha

..Petitioner

Versus

State of Haryana and others

..Respondents

**CORAM: HON'BLE MR. JUSTICE S.J.VAZIFDAR, ACTING CHIEF JUSTICE.
HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.**

Present : Mr. Kunal Dawar and Mr. Jagjot Singh, Advocates,
for the petitioner.

Mr. Rahul Dev Singh, Deputy Advocate General, Haryana,
for respondent Nos.1 to 5.

Mr. Jagdish Manchanda, Advocate, for respondent Nos. 6 to 8.

Mr. Sanjiv Gupta, Advocate, for respondent Nos. 9 to 11.

S.J.VAZIFDAR A.C.J. (Oral)

The petitioner seeks a writ of certiorari to quash an order dated 25.11.2014 issued by respondent No.2-Director, Department of Local Bodies, Haryana modifying/amending a previous order dated 29.08.2014.

2. On 06.10.2013, a notice inviting tenders was issued. This was challenged by the petitioner in Civil Writ Petition No.24034 of 2013. It must be noted that the petitioner is one of the councilors of respondent No.6-Municipal Council, Hodal. The writ petition was disposed of by an order dated 10.10.2013 directing the respondents to take a decision on the petitioner's representation.

3. Pursuant thereto, the tender process was cancelled by an order dated 15.11.2013 passed by the respondents. Thereafter a fresh tender process was initiated by issuance of a notice dated 31.05.2014. A

corrigendum dated 04.06.2014 was issued permitting the tenders to be submitted manually as against the earlier requirement of there being tenders on-line. This corrigendum was challenged by filing Civil Writ Petition No. 12817 of 2014. The said petition was disposed of by an order and judgment of a Division Bench dated 07.07.2014. The Division Bench noted that it was not a tender matter and that the petitioner only claimed to be a councilor and not a participant in the tender and that the representation of the petitioner could be examined by the concerned department and decision taken in accordance with law.

4. The said order dated 29.08.2014 states that the said corrigendum dated 04.06.2014 in respect of the notice inviting tenders dated 31.05.2014 permitting manual tendering was contrary to the internal instructions of the Municipal Committee. This order was challenged by respondent Nos. 9, 10 and 11 by filing Writ Petition No. 18580 of 2014. By this time, the tender of respondent Nos. 9, 10 and 11 had already been accepted and respondent Nos. 9, 10 and 11 had even completed the work. However, in view of the impugned modification/amendment, that writ petition no longer survives as the grievance of respondent Nos. 9, 10 and 11 stands redressed by the modification/amendment dated 25.11.2014.

5. This brings us to the modification/amendment by the impugned notice dated 25.11.2014. The said modification/amendment dated 25.11.2014 provides that where the works had already been completed and where the works had already started and were in progress, the cancellation order of the tenders was withdrawn. There is nothing unreasonable in this modification/amendment. There are no malafides against respondent Nos. 9, 10 and 11. They had already started and infact completed the work when the order dated 29.08.2014 was passed. In the circumstances, the impugned

order dated 25.11.2014 modifying/amending the cancellation in respect of such work was infact reasonable and just.

6. In view thereof, it is not necessary for us to consider the other contentions raised by the respondents.

7. The writ petition is, therefore, dismissed.

(S.J.VAZIFDAR)
ACTING CHIEF JUSTICE

29.09.2015

‘ravinder’

(TEJINDER SINGH DHINDSA)
JUDGE