

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision: 07.07.2015

C.W.P.No.12114 of 2015

Ajay Aggarwal

...Petitioner

Versus

Post Graduate Institute of Medical Education & Research, Chandigarh

...Respondents

**CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MRS. JUSTICE LISA GILL**

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Baltej Singh Sidhu, Advocate, for the petitioner.

Mr. Amit Jhanji, Advocate, for the respondent.

HEMANT GUPTA, J. (ORAL)

Challenge in the present writ petition is to the communication dated 29.05.2015, whereby the license of running a chemist shop in the premises of Post Graduate Institute of Medical Education & Research, Chandigarh (PGIMER) was terminated after serving a show cause notice.

The said communication reads as under:

“This is with reference to your reply dated 09.05.2015 submitted in response to our show cause notice issued on 07.05.2015.

The reply so furnished against the various violations of the tender document done by you has been considered and it has been observed that there is no concrete justification for the same. As such your license for this shop has been terminated with immediate effect.

You are, therefore, directed to vacate the shop immediately failing which action as per tender document would be initiated against you.”

The petitioner was served with a show cause notice dated 07.05.2015. The petitioner submitted its reply. However, a perusal of the communication dated 29.05.2015, as reproduced above, shows that none of the contentions raised by the petitioner was considered.

The argument of Mr. Jhanji, learned counsel appearing on behalf of PGIMER, is that a licensee is not entitled to any opportunity of hearing, as the licensee is not entitled to possession, but only a permission to use the permission is granted. Therefore, such license can be revoked even without any notice. However, he states that to be fair, the PGIMER wishes to withdraw the communication dated 29.05.2015 with liberty to pass a fresh order.

In view of the request made, the communication dated 29.05.2015 is permitted to be withdrawn with liberty to the respondent-PGIMER to pass a fresh speaking order in accordance with law.

Disposed of accordingly.

(HEMANT GUPTA)
JUDGE

07.07.2015
Vimal

(LISA GILL)
JUDGE