

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.5626 of 2015

Date of decision:26.3.2015

Kewal Krishan

....Petitioner

VERSUS

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA

HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Keshav Pratap Singh, Advocate for the petitioner.

HEMANT GUPTA, J.(Oral)

The challenge in the present writ petition is to awarding of Sanitation contract to respondent No.3.

The grievance of the petitioner is that in terms of clause 32 of the tender conditions, the rates cannot be less than existing labour rates which as per the petitioner's calculation are Rs.36,90,507/- whereas the bid given by respondent No.3 is of Rs.32,48,400/-. Therefore, respondent No.3 shall be paying less than minimum wages to the workers to be engaged by him and the grant of contract violates clause 32 of the tender conditions.

We do not find that the calculations arrived at by the petitioner can be made basis of rejecting the bid of respondent No.3. In case, the contractor does not pay minimum wages, the workers as well as the Municipal Council has the remedy to enforce the payment of minimum wages as per the machinery provided under the Minimum Wages Act, 1948 but there is nothing to infer, at this stage, that the successful contractor will not make payment of the minimum wages.

We do not wish to examine the calculations given by the petitioner as it may be self-serving calculations by a tenderer who is unsuccessful in the tender process.

Consequently, we do not find any merit in the present writ petition.

Dismissed.

(HEMANT GUPTA)
JUDGE

MARCH 26, 2015
‘D. Gulati’

(LISA GILL)
JUDGE