

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

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**Civil Writ Petition No.10702 of 2016
Date of Decision: October 18, 2016**

M/s The Truck Operator Union, RohtakPetitioner

versus

State of Haryana and others ...Respondents

***CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE RAMENDRA JAIN***

Present: None for the petitioner.

Mr. Saurabh Girdhar, AAG, Haryana.

Mr. Deepak Balyan, Advocate
for respondents No.5 & 6.

Mr. S.N. Pillania, Advocate for
Mr. A.K. Kansal, Advocate for respondent No.7.

AJAY KUMAR MITTAL, J. (Oral)

1. The petitioner has approached this Court under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to allot the work of loading and transporting the foodgrains/food articles from Grain market, Jind to any destination at a distance of more than 8 kms. for the year 2016-17 to the petitioner and none else, as the transportation tender (for distance of above 8 kms) was allotted to the petitioner vide letter/order dated 19.02.2016/24.02.2016 (Annexure P-4) being the lowest bidder for the year 2016-17 for Jind Centre. Further prayer has also been made to restrain respondent No.6 from allotting the work to any other firm.

2. Notice of motion was issued on 01.06.2016. Written statements on behalf of respondents No.5 & 6 and for respondent No.7 have been filed separately in Court today. The same are taken on record, subject to all just exceptions.

3. In Para No.1 of the preliminary objections raised in written statement filed on behalf of respondents No.5 and 6, it has been stated that the work for the year 2016-17 has already been completed and no further work is to be got done either from the Mandi Labour & Cartage Contractors or Mandi Transport Contractor. It has been submitted by learned counsel for respondent Nos.5 and 6 that in view thereof, the present petition has been rendered infructuous as the period for which the allotment of work is claimed has already been completed.

4. Para No.1 of the preliminary objections of the written statement filed on behalf of respondents No.5 and 6 reads thus:-

“That the prayer of the petitioner for issuance of a writ direction to the respondent to allot the work of loading and transporting the food grains/ food articles from Grain Market, Jind to any destination at a distance of more than 8 kilometers for the year 2016-17 to the petitioner is not maintainable at this stage on the reason that the work for the year 2016-17 has already been completed and no further work is to be got done either from the Mandi Labour & Cartage Contractors (MLC) and Mandi Transport Contractor (MTC). The work of transportation

of wheat from Jind Mandi to Godowns at Cattle Feed Plant was allotted to the MLC (M/s Sushil & Co., Jind) as per clause no.18 of the terms & conditions of the Transportation Tender which has been accepted and signed by the petitioner which reads as:

“The payment for the specific point which stands approved in Mandi Proforma will be made either at the approved transportation rates or at Mandi proforma rates whichever is less. That no payment will be made until the rates are finally approved”.

5. In view of the above, the present petition has been rendered infructuous and the same is disposed of as such.
6. However, it shall be open to the petitioner to apply for revival of the petition in case something survives therein.

(AJAY KUMAR MITTAL)
JUDGE

October 18, 2016
sonia gugnani

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No