

CWP No. 15834 of 2014

Date of decision: 12.01.2016

M/s Phagwara Roadlines

.....Petitioner

versus

State of Punjab and others

.....Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain**Present:** Mr. R.S.Athwal, Advocate
for the petitioner(s).

Mr. Suresh Singla, Addl.AG,Punjab.

Mr. K.K.Gupta, Advocate
for the FCI/respondent.**Rakesh Kumar Jain, J.(Oral)**

This petition is filed by Transport Contractor of the FCI seeking a writ in the nature of mandamus directing respondents No. 1 to 7 to provide protection to it and its employees for performance of the transport contract of loading of Special Train at Rail Head Morinda/Roop Nagar from FSD Chamkaur Sahib as the petitioner has been threatened for bringing their own vehicles for transportation by the Truck Union of the area concerned.

On 11.08.2014, this Court had passed the following orders:-

“This is a recurrent theme in this Court where persons who take contract for transporting foodgrains seek for Court's intervention on the ground that recognized unions operating in the area do not allow for the contractors to bring their own transport and the contractors are, therefore, put to loss on not

being able to deliver as per the contractual terms and subject themselves to loss. It is not very clear as to how the transport unions obtain any particular privileges to dictate to the contractors as to how the goods could be lifted and how they have a right to insist that their own members shall participate in the transport of grains on behalf of the contractors.

Notice of motion for 10.10.2015.

Interim protection as sought for.

At the asking of the Court, Mr. Ashwani Bhatia, AAG, Punjab takes notice on behalf of the State. Learned counsel for the petitioner will supply a copy of complete paper book to the counsel appearing for the State.

The Secretary (Transport) will evolve a mechanism to address this problem by constituting a Committee of himself and take with him as members in the committee Director FCI, suitable number of representatives from the transport union and representatives from the contractors' union, if there exists such a body, and find a solution which is satisfactory to every one.

It shall be the endeavour of Secretary (Transport) to present to the Court some viable method to ensure peace and for smooth transport of foodgrains that serves national interest.”

Pursuant to the order, the State Transport Commissioner, Punjab constituted a Committee on 1.10.2014(Annexure R-1) and the said Committee, held a meeting on 7.10.2014, in which some business has been transacted(Annexure R-2).

In view of the fact that the mechanism has been arrived at by the said Committee, no further order is required to be passed in this case. Hence the present petition is hereby disposed of.

12th January, 2016
Shivani Kaushik

[Rakesh Kumar Jain]
Judge