

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 15663 of 2016

Date of Decision: 10.8.2016

The Smagh Co-op L&C Society Ltd., Faridkot

....Petitioner.

Versus

State of Punjab and others

...Respondents.

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

PRESENT: Mr. K.K. Goel, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of certiorari for quashing the proceeding/order dated 22.3.2016 (Annexure P-1) awarding the tender of labour cartage in favour of respondent No.9 against the provisions of policy dated 10.3.2016 (Annexure P-4) issued by respondent No.1. Further, prayer has been made for quashing the proceeding dated 21.4.2016 (Annexure P-6) awarding the cartage in favour of respondent No.8 without re-inviting the tenders and blacklisting respondent No.9 for refusing to execute the approved contract. Also, a writ of mandamus has been sought directing respondents No.2 and 3 to re-invite the labour and cartage tenders for Faridkot Centre as per the policy as respondent No.9 had refused to executed the awarded work.

2. Respondent No.2 vide advertisement dated 10.3.2016

(Annexure P-2) invited tenders for all the Districts of Punjab for loading and unloading of foodgrain of all storage centre for labour cartage for labour work of PEG godowns. The last date of submission of tenders was 14.3.2016 whereas the tenders were to be opened on 19.3.2016. The list (Annexure P-3) of storage centre mentioning capacity of each purchase agency was put on the notice board as well as on the website of the department. Respondent No.2 framed a policy dated 22.3.2016 (Annexure P-4) for labour cartage and labour for following the instructions for awarding contract or labour cartage/labour transportation for the year 2016-17. In pursuance to the publication, Annexure P-2, the petitioner submitted its tender on 18.3.2016 (Annexure P-5) along with other tenderers. Out of the total tenders received, four tenders were rejected. The tenders of all other co-tenderers were opened on 22.3.2016 instead of 19.3.2016 as stated in the tender notice. Respondent No.9 applied only for all the purchase agencies whereas the other tenders were only for the purchase agency of PUNSUP. The tender of labour cartage for storage centres, Faridkot was awarded in favour of respondent No.9 for one year commencing from 1.4.2016 to 31.3.2017 vide proceeding/order dated 22.3.2016 (Annexure P-1). After award of the contract, respondent No.9 refused to execute the cartage work. Thereafter, the contract was awarded to respondent No.8 vide proceeding dated 21.4.2016 (Annexure P-6) without inviting the tender. The tender of the petitioner had been rejected on flimsy ground and the tender had been awarded against the clauses of the labour cartage policy framed for the year 2016-17. Some other union in case of having no EPF number, tender shall be allotted. The tender has to be rejected only on this ground. The worker union was having EPF number dated 24.3.2006

(Annexure P-7) and PAN card dated 16.12.2002 (Annexure P-8). Accordingly, the petitioner moved a representation dated 12.6.2016 (Annexure P-9) to respondent No.3 for awarding the tender for the year 2016-17 to the petitioner, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has sent a representation dated 12.6.2016 (Annexure P-9) to respondent No.3, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioner, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing respondent No.3 to take a decision on the representation dated 12.6.2016 (Annexure P-9), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner and respondents No. 8 and 9 within a period of seven days from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

August 10, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No