

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 17833 of 2016

Date of Decision: 5.9.2016

Dinesh Kumar

....Petitioner.

Versus

Food Corporation of India and others

...Respondents.

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

PRESENT: Dr. Rau PS Girwar, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this writ petition under Articles 226/227 of the Constitution of India, the petitioner has prayed, *inter alia*, for issuance of a writ in the nature of mandamus directing the respondents to restore work of Malerkotla Depot (TC) against letter dated 8.9.2015/28.10.2015 for two years from the date of order and to blacklist Friend Transport Company partners, namely, Khem Singh, Navtej Singh, Ranbir Singh and Manoj Kumar (respondents No. 7 to 10). Further, a writ of certiorari has been sought for quashing tender enquiries dated 9.5.2016 and dated 8.2.2016 of TC Malerkotla.

2. A few relevant facts necessary for adjudication of the instant writ petition as narrated therein may be noticed. Respondents No.1 and 4 invited tenders on 8.9.2015 (Annexure P-1) for Transport Contract (TC), Malerkotla. In response thereto, the petitioner applied and was appointed as TC on 28.10.2015 (Annexure P-2). Respondent No.5 filed CWP No. 23472

of 2015 on 31.10.2015 and this Court vide order dated 23.12.2015 allowed the said writ petition. The petitioner filed SLP(C) No. 2285 of 2015 against the order dated 23.12.2015 and the Supreme Court vide order dated 1.2.2016 disposed of the said SLP. Thereafter, respondents No.1 to 4 issued second tender enquiry dated 8.2.2016 (Annexure P-3) for TC Malerkotla. The petitioner sent a legal notice dated 10.2.2016 to respondents No.1 to 4 and filed CWP No. 3592 of 2016. This Court disposed of the said writ petition but despite that no action was taken by respondents No.1 to 4. Respondents No.1 to 4 sent email for tender award to respondent No.6 and thereafter sent order dated 1.4.2016. The petitioner sent reply to the order dated 1.4.2016. After that, respondents No.1 to 4 cancelled the tender notice dated 8.2.2016 and invited third tender dated 9.5.2016 (Annexure P-4). This has been challenged by respondent No.5 in CWP No. 7026 of 2016. In the said writ petition, the petitioner herein filed CM No. 6178 of 2016 for direction to blacklist M/s Friend Transport Co. partners, i.e. Khem Singh, Navtej Singh, Ranbir Singh and Manoj Kumar according to MTF Clause 4 Sub Clause (1). Hence, the present writ petition with the prayer as noticed hereinbefore.

3. After hearing learned counsel for the petitioner, we do not find any merit in the writ petition.

4. It would not be essential to delve into the question of validity of scrapping of tender notice dated 8.2.2016 and issuance of fresh tender process on 9.5.2016 as the same has been upheld in CWP No. 7026 of 2016 by order of even date there dismissing the said writ petition. For the detailed reasons recorded therein, the said claim is rejected.

5. Equally, the prayer for blacklisting of partners of M/s Friends

Transport Company, namely, Khem Singh, Navtej Singh, Ranbir Singh and Manoj Kumar is concerned, the petitioner has no legal right for getting any body blacklisted and as such the claim is frivolous and not maintainable under Articles 226/227 of the Constitution of India. It is, therefore, declined.

6. Consequently, finding no merit in the writ petition, the same is hereby dismissed.

(AJAY KUMAR MITTAL)
JUDGE

September 5, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes