

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

CWP-2136-2016

Date of decision:- 03.02.2016

M/s Balaji Transport Company, Bahadurgarh

...Petitioner

Versus

Haryana State Federation of Consumers Cooperative Wholesale
Stores (Confed) and another.

...Respondents

CORAM: HON'BLE MR. JUSTICE S.J. VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Dhiraj Chawla, Advocate,
for the petitioner.

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S.J. VAZIFDAR, A.C.J. (ORAL)

Issue notice of motion returnable forthwith.

Service is waived, as Mr. Deepak Balyan, learned counsel accepts
notice on behalf of the respondents.

The petitioner is aggrieved by the impugned order
dated 06.01.2016 cancelling the labour and transportation contract for
District Jhajjar entered into with the petitioner for the year 2015-2016.

2. An earlier order dated 13.11.2015 cancelling the contract and
blacklisting the petitioner was challenged in CWP-24593-2015. The order
was quashed and set aside by our order and judgement dated 14.12.2015 and
the respondents were directed to take a fresh decision after affording the
petitioner an opportunity of being heard. It is in these circumstances that the
present order impugned in this writ petition was passed.

3. The impugned order dated 06.01.2016 is passed on the basis of an
order dated 28.10.2015 cancelling the transportation and labour contract

issued in favour of the petitioner for District Gurgaon. However, after the impugned order was passed, we by our order and judgement dated 21.01.2016 in CWP-26605-2015 set aside the order dated 28.10.2015. The officer passing the impugned order naturally did not have the benefit of our order dated 21.01.2016. Therefore, the basis of the present impugned order ceases to exist.

4. It would be necessary, therefore, for the respondents to take a fresh decision on the merits of the matter without reference to the order dated 28.10.2015 which was in respect of the contract pertaining to District Gurgaon.

5. We hasten to clarify that the facts pertaining to District Gurgaon are not irrelevant. Only the order dated 28.10.2015 simpliciter and by itself cannot be the basis for taking any action against the petitioner in the present case as that decision was quashed by our order and judgement dated 21.01.2016. The respondents shall, therefore, take a fresh decision regarding any action to be taken against the petitioner on merits.

6. Till the decision is taken, the petitioner shall be entitled to participate in fresh tender process. The same, however, shall be subject to the fresh decision to be taken.

7. The writ petition is accordingly disposed of.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

(ARUN PALLI)
JUDGE

03.02.2016
Amodh