

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

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**CWP No.3578 of 2016 (O & M)
Date of Decision:03.03.2016**

Gursewak Singh

....petitioner

Versus

Food Corporation of India and others

.....respondents

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

Present: Mr.Kanwaljit Singh, Senior Advocate with
Mr.Bhupinder Ghai, Advocate
for the petitioner

Mr.J.S.Puri, Advocate
for respondents No.1 to 3-FCI

Mr.Puneet Gupta, Advocate
for respondent No.5

S.J.VAZIFDAR, ACTING CHIEF JUSTICE (ORAL):

Short affidavit on behalf of respondent No.5 has been filed in the Court today and the same is taken on record.

The petitioner has sought an order directing the official respondents to allot the work as per Handling Contract at Rail Head, Mansa, on 04.09.2015 and an order directing the official respondents not to allow any DPS or proxy labourers for the said work of loading or lifting there. As also for security to the petitioner, so that the work can be operated without any hindrance.

It is not necessary to consider the main relief as learned counsel for respondents No.1 to 3, on instructions from Mr.Pankaj Pandey, AGM (Contract), present in the Court, states that Food Corporation of India (FCI) does not intend terminating the contract dated 04.09.2015.

We expressly refrain from expressing any opinion regarding the validity of the contract. The Food Corporation of India Workers Union (for short 'the Union') is seriously disputing the validity of the contract. This Union was impleaded as respondent No.5 on its own motion. It was not impleaded originally. In fact, in view of the two other reliefs claimed, namely an order restraining the official respondents from allowing any DPS or proxy labourers, the Union ought to have been impleaded in the first instance itself. Had they not appeared that relief could not have been granted for non joinder of a necessary parties.

Mr.Gupta, learned counsel appearing on behalf of newly added respondent No.5, in any event, denies that the Union members intend acting otherwise than, in accordance with law. If despite the above statement, there is any difficulty the petitioner and the official respondents must adopt appropriate proceedings before the appropriate authorities.

The writ petition is accordingly disposed of. It is, however, clarified that this order does not express any opinion regarding any right that respondent No.5-Union may have and shall not be a ground for rejecting any application or reliefs sought by the respondents in any proceedings.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

(ARUN PALLI)
JUDGE

March 03, 2016
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