

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

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**Civil Writ Petition No.7441 of 2016
Date of Decision:25.04.2016**

M/s Zee Laboratoriespetitioner
Versus

State of Punjab and othersrespondents

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

Present: Mr.Sandeep Wadhawan, Advocate for the petitioner

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

The petitioner seeks a mandamus directing respondents No.1 and 2 i.e. The State of Punjab and Punjab Health Systems Corporation, to consider them eligible for the purpose of a tender for supply of drugs/medicines. The petitioners contend that respondents No.3,4 and 5 i.e. Chief Medical Officer (AM), Assistant Director, Directorate General of Health Services, Chief Medical Officer (NFSG), Government Medical Store Depot, by an order dated 06.01.2016 (Annexure P14), de-registered them for supply of such products for five years. The petitioner's grievance is that on account thereof, respondent No.2 would consider the petitioners ineligible to bid in view of the terms and conditions of the notice inviting tenders issued by respondent No.2.

The order dated 06.01.2016 was passed pursuant to an order and judgment dated 20.11.2015 passed by a Division Bench of this Court in CWP No.16444 of 2015, by which an earlier order of blacklisting was remanded for passing a fresh order regarding de-registration/de-barment of the petitioner in the light of the observations made in that judgment. In the meanwhile, operation of the orders impugned in that judgment, dated 02.04.2013 and 06.06.2013 were kept in abeyance and were subject to the fresh orders to be

passed. It is pursuant to that order that the order dated 06.01.2016 (Annexure P14) was passed.

The petitioner filed CWP No.6269 of 2016 challenging the order dated 06.01.2016. The learned Single Judge by an order dated 04.04.2016, issued notice of motion for 11.04.2016. It is not possible for us to say whether an application for interim reliefs was made or not. The order does not refer to any such application. The petitioner ought to make an application for interim reliefs staying the order dated 06.01.2016. That order has naturally not been challenged before us. Thus, the validity of the order dated 06.01.2016 is not in issue before us. It is not possible, therefore, for us to grant the mandamus sought, so long as the order dated 06.01.2016 has not been set aside or even stayed.

The writ petition is accordingly disposed of. Needless to clarify that if the order dated 06.01.2016 is set aside or stayed, the petitioner would always be entitled to participate in the tender process initiated by respondent No.2. We are sure that if the learned Single Judge considers the matter to be urgent, he would consider the application for interim reliefs even today, if made within time.

A copy of the order be given *dasti* under signatures of Bench Secretary attached to this Court.

(S. J. VAZIFDAR)
ACTING CHIEF JUSTICE

(ARUN PALLI)
JUDGE

April 25, 2016
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