

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 12005 of 2016

Date of Decision: 01.03.2017

Sharda Devi and another

.....Petitioners

Vs.

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S.BEDI

Present: Mr.Aditya Pal Singh, Advocate for
petitioner No.1-Sharda Devi.

Petitioner No.2-Ratnendra Bhardwaj in person.

Mr.S.S.Chandumajra, Addl.A.G. Punjab for
respondents No. 1 and 2.

Mr.Indresh Goel, Advocate for respondent no.3.

Mr. Prabhjot Singh, Advocate for
Mr.Jatinder Pal Singh, Advocate for respondent No.4.

Mr.Aman Dhir, Advocate for respondent no.6.

Ms. Archana Vashisht, Advocate for
Mr.Padamkant Dwivedi, Advocate for respondent No.7.

M.M.S.BEDI J. (ORAL)

The petitioners have preferred this writ petition under Articles 226/227 of the Constitution of India for the issuance of a writ in the nature of mandamus directing respondent No.2-Drug Inspector, Sri Muktsar Sahib to take legal action against respondents No.4, 5, 6 and 7, as they had been running a chemist shop in violation of the Drugs and Cosmetic Act, 1940 (for short “the Act”).

Petitioner No.1 Sharda Devi is represented through her counsel whereas petitioner No.2-Ratnendra Bhardwaj, is appearing in person and wants to argue on his behalf. Permission is granted.

Reply on behalf of respondents No. 1 and 2 is stated to have been filed. A copy of the same has been taken on record. As per the reply, a complaint dated 03.01.2014 addressed to Drugs Inspector Sri Muktsar Sahib has been processed and on the basis of verification reports, show cause notices were issued to the respondent-firm by Zonal Licensing Authority Bathinda, under Rule 59(1) of the Act and Rules framed thereunder vide different letters dated 28.05.2014 which are Annexures R1/3 to R1/5.

Since the licences of the abovesaid respondents have already been cancelled, no direction is required to be issued in the present case. Accordingly, present writ petition has rendered infructuous, the action having already been taken against the private respondents, without commenting anything on the said orders and without prejudice to the right of the private respondents, as they are at liberty to seek legal remedy, as available to them, in accordance with law.

However, petitioner No.2-Ratnendra Bhardwaj appearing in person is not satisfied with the aforesaid observations. He wants an action against the Drug Inspector for having not taken any action in time. Since it is between the employee and employer to maintain an action in accordance with the conduct rules, I do not find any ground to issue any direction in that context that too at the instance of the petitioners.

The petition is disposed of as infructuous in the above said terms.

(M.M.S.BEDI)
JUDGE

01.03.2017
ANJAL

Whether speaking/reasoned?
Whether reportable?

Yes/No
Yes/No