

150-2

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-13043-2017

Date of decision : 02.06.2017

Khara Contractors

... Petitioner(s)

Versus

State of Punjab and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. R.K. Girdhar, Advocate
for the petitioner.

AMIT RAWAL, J. (ORAL)

Learned counsel for the petitioner submits that he will be satisfied if a direction is issued to the 4th respondent-Executive Engineer, Gurdaspur Drainage Division, Gurdaspur, to consider the representation dated 26.04.2017 (Annexure P-3) within a stipulated period.

With regard to maintainability of the writ petition, the petitioner relies upon judgment rendered by coordinate bench of this Court in *M/s Ludhiana Builders Vs. State of Punjab and others* in CWP No.14356 of 2012 on 21.12.2015 wherein placing reliance upon the judgment of Hon'ble Supreme Court, it has been held that it is no longer *res integra* that contractual disputes involving public law element are amenable to writ jurisdiction and since the respondents, who are instrumentality of State, acted in contravention of Article 14 of the Constitution of India, the writ Court can issue suitable directions to set right the arbitrary actions of

the respondents.

Without going into the merits and demerits of the claim of the petitioner, I deem it appropriate to direct 4th respondent-Executive Engineer, Gurdaspur Drainage Division, Gurdaspur, to consider the representation dated 26.04.2017 (Annexure P-3) within a period of two months from the date of receipt of certified copy of this order and shall pass a speaking order thereon. If the claim of the petitioner is found justified, the payment shall be released to the petitioner within a period of two weeks thereafter.

The writ petition stands disposed of with the above direction.

02.06.2017
Yogesh Sharma

(AMIT RAWAL)
JUDGE

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Whether speaking/reasoned Yes/ No

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Whether Reportable Yes/ No