

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

[1] Civil Writ Petition No.15942 of 2017.
Date of Decision: July 21, 2017

M/s Rail Fab., Opp. RCF, KapurthalaPetitioner
versus
Union of India and anotherRespondents

[2] Civil Writ Petition No.15944 of 2017.

M/s Rail Tech., Opp. RCF, KapurthalaPetitioner
versus
Union of India and anotherRespondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDHIR MITTAL.

Present: Mr.Akshay Bhan, Senior Advocate with
Mr.Abhishek Sanghi, Advocate, for the petitioner(s)

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Surya Kant, J. (Oral)

This order shall dispose of Civil Writ Petition Nos.15942 and 15944 of 2017 as the similar worded orders dated 17.06.2017 are under challenge in both the petitions.

For brevity, the facts are being extracted from CWP No.15942 of 2017.

[2] The petitioner is a partnership firm and it runs an industrial unit known as M/s Rail Fab., where it manufactures various items including retro fitment-DRDO Bio-Digester tanks. The petitioner had a contract to

supply the above-stated tanks to the Railway Board. The Railway Board

under their internal arrangements supplies those tanks to Rail Coach Factory, Kapurthala and other units. It appears that pursuant to one of the purchase order of the Railway Board, 75 numbers of bio digester tanks were supplied by the petitioner to Rail Coach Factory, Kapurthala, out of which some of the tanks were rejected at Alambagh Workshop of the Northern Railways on account of welding defects. The petitioner was thereafter served with a show-cause notice dated 18.03.2017 to which it submitted its reply on 01.05.2017. Rail Coach Factory at Kapurthala has thereafter passed the impugned order dated 17.06.2017 whereby on account of those welding defects in the bio-digester tanks, the petitioner-firm has been delisted for retention tanks from RCF Vendor Directory for a period of one year with effect from 17.06.2017.

[3] It is urged on behalf of the petitioner that it was, at the best, a case of procedural defect for which such a punitive action ought not to be taken. It is also mentioned that the Railway Board has subsequently appreciated the products of the petitioner and its supply has been enhanced. It is also the petitioner's case that the Competent Authority to take any decision was the Railway Board only, with whom alone the petitioner has a valid work contract.

[4] Having heard learned counsel for the petitioner and in the light of the above-stated contention and keeping in view the fact that the Railway Board is the highest decision making Authority in the Railways, we dispose of this writ petition without expressing any views on merits with liberty to the petitioner to approach the Railway Board against the impugned decision of Rail Coach Factory, Kapurthala. We direct the Member Secretary of Railway Board to put up the matter before the Competent Authority within

two weeks from the date of submission of representation by the petitioner
for appropriate decision by the Board.

Dasti, tomorrow.

[SURYA KANT]
JUDGE

July 21, 2017
mohinder

[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No