

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-11587-2018

Date of Decision: 9.5.2018

Harmesh Singh

....Petitioner.

Versus

State of Haryana and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL,
ACTING CHIEF JUSTICE.**

HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

PRESENT: Mr. Satbir Gill, Advocate for the petitioner.

AJAY KUMAR MITTAL, ACJ.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ of in the nature of certiorari for quashing the letter dated 21.4.2018 (Annexure P-7) issued by respondent No.4. Further, a writ of mandamus has been sought directing the respondents to provide security to carry out his work of lifting of grain from the market and to restrain respondent No.7 from further executing the work.

2. Respondent No.2 vide E-Tender Notice, Annexure P-1, invited e-tendering from Arthia Association, Labour Contractors and other eligible entities for doing various labour and cartage operations of foodgrains for the year 2018-19 on the terms and conditions, Annexure P-2. The petitioner

He was allotted the tender of HAFED MLC Contract at Sirsa. The information in this regard was sent to the petitioner vide letter dated 16.3.2018 (Annexure P-3). Respondent No.4 sent the notices dated 16.4.2018 and 19.4.2018 (Annexures P-4 and P-5, respectively) to the petitioner the sufficient labour and trucks for loading the stock were not being provided and advised to make the arrangement of labour and trucks for load from mandis. The petitioner submitted reply dated 20.4.2018 (Annexure P-6) to the said notices. However, respondent No.4 vide letter dated 21.4.2018 (Annexure P-7) advised the petitioner to immediately make the arrangement of labour/trucks and clear the mandi, otherwise the work would be got done at the risk and cost of the petitioner through arthias/other source and action shall be taken against the petitioner. Further, the petitioner was made to sign an undertaking that he would not participate in the bid from the next year onward. Accordingly, the petitioner made the complaints dated 29.4.2018 (Annexures P-8 and P-9, respectively) to the Managing Director, HAFED, Sirsa and the local police for providing the security to execute the work. However, no action has so far been taken thereon. Hence, the present writ petition.

3. Learned counsel for the petitioner has prayed that liberty be granted to the petitioner to file a detailed and comprehensive representation before the appropriate authority by incorporating the grievance as raised in the present writ petition and direction be issued to the authority concerned to decide the representation expeditiously in a time bound manner in accordance with law.

4. After hearing learned counsel for the petitioner, perusing the present petition and without expressing any opinion on the merits of the

case, we dispose of the present petition by granting liberty to the petitioner to file a detailed and comprehensive representation raising all the pleas as raised in the present writ petition before the appropriate authority. It is directed that in the event of a representation being filed by the petitioner within a period of one week from the date of receipt of the certified copy of the order, the same shall be decided in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner and respondent No.7 within a period of two weeks from the date of receipt of the representation. The petitioner shall be entitled to lead any evidence to substantiate his claim before the concerned authority.

(AJAY KUMAR MITTAL)
ACTING CHIEF JUSTICE

May 9, 2018
gbs

(TEJINDER SINGH DHINDSA)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No