

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-12319-2018 (O&M)
Date of Decision: 16.05.2018

The Guru Nanak Truck Operator Association

--Petitioner

Versus

State of Punjab & others

--Respondents

CORAM:- HON'BLE MR.JUSTICE AJAY KUMAR MITTAL,
ACTING CHIEF JUSTICE
HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present:- Ms. Anupam Bhanot, Advocate
for the petitioner.

TEJINDER SINGH DHINDSA.J

1. Petitioner has invoked the extraordinary writ jurisdiction of this Court under Articles 226/227 of the Constitution of India impugning order dated 7.5.2018 (Annexure P-6) passed by the Additional Director-cum-Controller (Finance & Audit), Food, Civil Supplies and Consumer Affairs Department, Punjab and whereby a complaint filed by the petitioner against respondent no.5, who had been allotted the tender for labour and cartage of food grains pertaining to Sherpur Mandi, has been rejected.

2. Briefly, it may be noticed that respondent no.5-contractor had been allotted the tender for all three clusters of Sherpur Mandi for labour and cartage of food grains. Complaint had been made to the respondent authorities by the petitioner alleging violation of the terms and conditions of the policy for labour and cartage of food grains (year 2018-2019) by the State of Punjab, Department of Food, Civil Supplies and Consumer Affairs. In particular violation of Clause 4(11) of the Policy had been alleged and which reads as follows:-

“4. General Qualifications:

Every tenderer shall have to fulfill the following

general conditions to be eligible for submitting its bid:-

11. Tender once submitted is not transferable to any other person(s). ”

3. It was alleged by the petitioner in the complaint that the tender had been further 'sublet' by respondent no.5.

4. Perusal of the impugned order reveals that the documents that had been relied upon by the petitioner have been duly examined and a finding of fact has been recorded that the tender has neither been sublet nor transferred by respondent no.5. The documents relied upon by the petitioner in support of the allegations made in the complaint have been accepted as an internal arrangement made by respondent no.5 for transportation of food grains.

5. Having heard counsel for the petitioner at length and having perused the pleadings on record, we are of the considered view that no interference in the matter is warranted. No material has been placed on record for this Court to disturb the findings recorded by the competent authority.

6. That apart, a perusal of the impugned order would reveal that the petitioner-Association had earlier participated in the tender process in question but the work had not been allotted being L-3. Work had been allotted to respondent no.5 being L-1. Prima facie, the complaint lodged by the petitioner-Association was in the capacity of an aggrieved party. It is not even the case of the petitioner that the work of labour and cartage of food grains in pursuance to allotment of tender in favour of respondent no.5 is not being carried out.

7. We do not find any illegality or patent infirmity in the impugned order dated 7.5.2018 (Annexure P-6), passed by respondent no.2.

Petition is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

(AJAY KUMAR MITTAL)
ACTING CHIEF JUSTICE

16.05.2018

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