

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP No.14341 of 2018 (O&M)

Date of Decision: 31.05.2018

Mohinder Lal

... Petitioner

Versus

State of Punjab and others

... Respondent

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

Present:- Mr. Rajinder Sharma, Advocate,
for the petitioner.

TEJINDER SINGH DHINDSA, J.

Petitioner has filed the instant petition under Articles 226/227 of the Constitution of India raising an innocuous prayer for issuance of directions to the Director, Food, Civil Supplies and Consumer Affairs, Punjab to take a final decision on the representation dated 04.05.2018 (Annexure P-5) that has been submitted by the petitioner.

Learned counsel representing the petitioner would contend that the Department of Food, Civil Supplies and Consumer Affairs, State of Punjab had issued a Policy for Labour and Cartage of Food Grains, 2018-19 to procure food grains on behalf of the Government. It is argued that the prayer in the representation is for the respondent authorities to ensure compliance of the Policy in letter and spirit.

We have perused the representation dated 04.05.2018

(Annexure P-5) regarding which directions were sought in this petition to be decided.

Certain facts that emerge from the representation itself are that the petitioner had participated in a tender process and had been declared the successful tenderer for lifting of grains for Centre Batala, District Gurdaspur. The tender of the petitioner was cancelled on 26.04.2018 by the District Collector (Food and Civil Supplies) and against which he has already availed of his remedy by filing an appeal before respondent No.2 i.e. The Director, Food & Civil Supplies and Consumer Affairs, Punjab.

On a specific query having been put, learned counsel would concede that no final decision has been taken on the appeal as of date. In the representation petitioner has asserted that a pick and choose policy was adopted by the respondent authorities while cancelling tender which had been awarded in favour of the petitioner. That apart various other submissions have been raised in the representation against the backdrop of the Labour and Cartage Policy framed by the State Government for the year 2018-19.

We are of the considered view that all contentions and submissions based upon the Policy for Labour and Cartage for the year 2018-19 would be open for the petitioner to be pressed during the course of hearing of the appeal.

The instant writ petition is just an attempt on the part of petitioner to initiate parallel proceedings during pendency of the appeal before the Director, Food & Civil Supplies and Consumer

Affairs, State of Punjab.

Such course of action is not permissible in law.

No basis for interference is made out.

Writ petition is dismissed.

(AJAY KUMAR MITTAL)
ACTING CHIEF JUSTICE

(TEJINDER SINGH DHINDSA)
JUDGE

31.05.2018

vandana

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No