

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

1.

CWP No.15478 of 2018
Date of decision: 24.08.2018
- M/s Karan Singla & Co.

... Petitioner
- Versus
- State of Punjab and others

... Respondents
2.

CWP No.15571 of 2018
- M/s G.S. Enterprises

... Petitioner
- Versus
- State of Punjab and others

... Respondents
3.

CWP No.15398 of 2018(O&M)
- Madan Lal

... Petitioner
- Versus
- State of Punjab and others

... Respondents
4.

CWP No.15400 of 2018(O&M)
- Yashpal

... Petitioner
- Versus
- State of Punjab and others

... Respondents
5.

CWP No.15402 of 2018(O&M)
- Lekhraj

... Petitioner
- Versus
- State of Punjab and others

... Respondents
6.

CWP No.15403 of 2018(O&M)
- Yashpal

... Petitioner
- Versus
- State of Punjab and others

... Respondents

7.

CWP No.15579 of 2018(O&M)

Jaslovepreet Singh Sidhu

... Petitioner

Versus

State of Punjab and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI,
CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present: Mr. D.S. Patwalia, Senior Advocate with
Mr. Kanan Malik, Advocate; and
Mr. Nitin Kaushal, Advocate in CWPs-15400, 15402 & 15403-
2018
Mr. Anurag Chopra, Advocate in CWP-15398-2018,
Mr. A.P. Singh, Advocate for
Mr. S.P.S. Sidhu, Advocate in CWP-15478-2018
for the petitioners.

Mr. Avinit Avasthi, AAG, Punjab.

Ms. Harpreet Kaur, Advocate for
Mr. K.K. Goel, Advocate
for respondent No.5 in CWP-15478-2018; and
for the petitioners in CWPs-15571 & 15579-2018.
Mr. A.S. Barnala, Advocate
for respondent No.6 in CWP-15571-2018.

Having argued the matter at some length, learned counsel for the parties have reached a consensus that let the orders dated 23/25.05.2018, that have been assailed in CWP Nos.15398, 15400, 15402, 15403, 15478 of 2018, passed by the Additional Director-cum-Controller Food Accounts, be set aside, for, he lacked competence and authority to pass any such orders. Further, even though in terms of the Punjab Labour and Cartage Policy, 2018-19, the Director, Department of Food, Civil Supplies and Consumer Affairs was/is the competent authority, but in the facts and circumstances of

the present lis it shall be expedient if the Secretary of the Department is directed to examine the matter in its entirety and pass fresh orders in accordance with law, including the grievance of the writ petitioner i.e. M/s G.S. Enterprises in CWP No.15571 of 2018. As regards CWP No.15579 of 2018, it is urged that since the orders assailed therein were passed by the Chairman, Tender Allotment Committee-cum-Deputy Commissioner, Moga, the same are appealable under the policy and the appeal against the said orders shall lie before the Director. However, if in the set of six cases referred to above, the Secretary of the Department is directed to examine the issue, it would rather be appropriate if the grievance of the petitioner even in this case or his appeal, if preferred, is heard and decided by the Secretary as well.

In conspectus of the above, the orders dated 23/25.05.2018, that are under challenge in the writ petitions referred to above, are set aside. The Secretary, Department of Food, Civil Supplies and Consumer Affairs, Punjab is directed to examine the matter and pass appropriate orders in accordance with law, after affording an opportunity of hearing to all the stake-holders within a period of two weeks from today. Needless to assert that the grievance of the writ petitioner in CWP No.15571 of 2018 shall also be considered and dealt with and appropriate orders shall be passed. As regards CWP No.15579 of 2018, and the orders dated 14.06.2018 & 24.05.2018 assailed therein, the petitioner is relegated to avail an alternate remedy by way of appeal, which shall be filed before the Secretary of the Department and in the event any such appeal is indeed preferred within a week from today, the same shall be entertained and adjudicated on merits within a week thereafter.

Before we conclude, we may clarify that this order is being passed in the peculiar facts and circumstances that arise in the matter at hands to avert any further complications, as witnessed earlier and to avoid any contradictions in the orders that shall be passed.

The petitions are accordingly disposed of in the above terms.

All civil miscellaneous applications are also accordingly disposed of.

(Krishna Murari)
Chief Justice

(Arun Palli)
Judge

24.08.2018
Rajan

Whether speaking / reasoned:	YES
Whether Reportable:	NO