

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

CWP-20912-2018

Date of Decision: August 23, 2018

The Faridkot Paledaar Co-operative Labour Society Ltd.

...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. Nitin Kaushal, Advocate, for the petitioner.

**Mr. Avinit Avasthi, AAG, Punjab,
for respondent Nos. 1 to 4.**

KRISHNA MURARI, C.J. (ORAL)

Notice of motion to respondent Nos. 1 to 4, which is accepted by Mr. Avinit Avasthi, AAG, Punjab, present in the Court for the State of Punjab. Copy supplied.

Looking at the peculiar facts and circumstances of the case and with the consent of learned counsel for the parties, this petition has been finally disposed of.

Against the order, dated 17.04.2018, canceling the contract and blacklisting, the petitioner approached this Court by filing CWP No. 9728 of 2018, which was disposed of vide judgment and order, dated 28.05.2018, making following directions:-

7. *Accordingly, the instant writ petition is disposed of with a direction to treat the order dated 24.4.2018*

(Annexure R-4) during the course of review as non-est. Petitioner is granted liberty to file a comprehensive appeal against the impugned order dated 17.4.2018 (Annexure P-7) within a period of one week. In the eventuality of any such appeal being preferred by the petitioner, the Appellate Authority i.e. the Director, Food, Civil Supplies and Consumer Affairs Department, Punjab would examine the appeal on merits and would take a final decision thereupon by passing a well reasoned speaking order after affording an opportunity of hearing to the petitioner society as also respondent no. 4, within a period of four weeks from the date of submission of the appeal.

8. The interim order passed by this Court as regards staying the order of blacklisting, the same would continue and would be subject to the final order to be passed by the Appellate Authority.”

Learned counsel for the petitioner submits that in pursuance of the aforesaid order the petitioner approached the Director, Food, Civil Supplies and Consumer Affairs Department, Punjab, by filing an appeal. The Director after considering the matter and hearing the petitioner, vide order dated 05.07.2018 (Annexure P-10), though allowed the appeal, but only set aside the order of blacklisting, with the result that the authorities are treating as if the order of cancellation of contract has not been set aside, though from a perusal of the said order it is clear that the order canceling the contract was also not found to be justified.

From a perusal of the order dated 05.07.2018, we are also of the opinion that though the case set up by the petitioner in respect of cancellation of the contract was considered by the Director, but ultimately

only order of blacklisting was set aside. In the circumstances, we deem it appropriate that the matter be relegated back to the Director again for taking a conscious decision with respect to the part of the appeal filed by the petitioner challenging his cancellation of contract. The order, dated 05.07.2018, passed by the Director in respect of setting aside the blacklisting shall be maintained as it is.

We have further been informed that in the meantime a work contract has been entered into between official respondents and respondent No. 5, who was L-2. In the facts and circumstances, the Director while considering the case of the petitioner, shall also give notice and opportunity of hearing to respondent No. 5 as well before passing final order. Needless to say that the entire exercise be completed as expeditiously as possible, but not later than three weeks of production of certified copy of this order.

It is made clear that neither we have entered into nor commenting upon the merits of the claim being made by the petitioner in respect of cancellation of his contract, which shall be considered by the Director afresh on its own merits.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

August 23, 2018
Pkapoor

Whether Speaking/Reasoned: YES / NO
Whether Reportable: YES / NO