

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

**Date of Decision :14.11.2018
CWP No.9734 of 2018**

Satnam Co-Op L&C Society Ltd.

.....Petitioner

Versus

State of Punjab and others

..... Respondents

CWP No.10022 of 2018

Lucky L&T Pvt. Ltd.

.....Petitioner

Versus

State of Punjab and others

..... Respondents

CWP No.9376 of 2018

Bharat Bhushan

.....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. Anurag Chopra, Advocate for the petitioner.
Mr. Avinit Avasthi, AAG, Punjab.
Mr. Hem Raj Bhardwaj, Advocate for respondent No.4.**

KRISHNA MURARI, CHIEF JUSTICE (Oral):

These are three connected writ petitions based on identical set

of facts raising common questions of law, hence, have been clubbed together and are being disposed of by a common order.

A preliminary objection is raised by learned Assistant Advocate General, appearing for the State of Punjab with respect to the maintainability of these writ petitions on the ground of existence of remedy of appeal under clause 16 of the Policy for Labour and Cartage of Food Grain for the year 2018-2019, issued by the Department of Food, Civil Supplies and Consumer Affairs, Government of Punjab. It is pointed out that under clause 16 an appeal against any order of the Managing Director of the concerned Agency lies before the competent authority within the 30 days of the date of passing of the such orders and competent authority under clause 2-d is defined to be the Director Food, Civil Supplies and Consumer Affairs Punjab or any other officer so appointed or declared as competent authority by him/her.

Learned counsel for the petitioner could not dispute the fact that remedy of appeal is provided under the policy.

From a perusal of the impugned orders in these three petitions we find that issues involved are relating to questions of fact and thus these can be more effectively gone into by the Appellate Authority rather than by us while exercising the powers conferred by under Article 226 of the Constitution of India. In such circumstances, we dismissed these writ petitions on the ground of existence of alternative remedy of appeal available to the petitioner, leaving it open to them to avail the said remedy, in case, they are so advised.

The petitioner if so advised, may file an appeal before the competent authority within 10 days from today and in case the appeal is filed competent authority shall be under an obligation to decide the same by a reasoned and speaking order in accordance with law after notice and opportunity of hearing to all the stakeholders within a further period of 5 weeks from today. Interim order if any existed in these writ petitions in favour of the petitioner shall continue to remain in operation till the decision of the competent authority.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

14.11.2018

Manoj Bhutani

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No