

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

Civil Writ Petition No. 31897-2019 (O&M)

Date of Decision: 06.11.2019

Vinod Kumar

.....Petitioner

versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJIV SHARMA, JUDGE**

Present : Mr. Amit Jhanji, Advocate, for the petitioner.

RAVI SHANKER JHA, CHIEF JUSTICE (oral)

An agreement dated 21.09.2018 was entered into between the petitioner and General Manager, Haryana Roadways, vide Annexure P-4. The agreement was cancelled by the respondent-State which led to the filing of Civil Writ Petition No. 22884-2019, which was disposed of 09.09.2019. A notice was issued to the petitioner on the basis of the aforesaid order passed by this Court and the operative part of the order reads as under:-

“In view of the aforesaid facts and circumstances, we dispose of the writ petitions by providing that after recalling/setting aside the order(s) dated 23.07.2019, the State respondent shall issue a notice to the petitioners within a period of one week from today giving appropriate time to file reply(s) and thereafter fix a date for their personal appearance and hearing in the matter and thereafter pass appropriate orders. The entire exercise shall be carried out within a period of six weeks from today. It shall always be open to the petitioners to make an application under Section 104 of the Motor Vehicles Act before the appropriate authority during the pendency of the proceedings and, in case, any such application is made appropriate decision thereon in accordance with law shall be taken within ten days from the date of filing of the same.

With the aforesaid directions and discussions, all the writ petitions are disposed of.”

2. In sequence to the judgment dated 09.09.2019 passed by this Court, a show cause notice was issued to the petitioner vide letter dated 21.09.2019 (Annexure P-18) to which the petitioner had filed reply vide Annexure P-19. The petitioner without waiting the outcome of the show cause notice approached this Court. The attention of the Court has been drawn to clause 45 of the agreement which reads as under:-

“45. In case of any dispute between the Second party and First party, the Principal Secretary/ Additional Chief Secretary to Government, Haryana, Transport Department, or any other person appointed by him/her shall act as an arbitrator and his decision shall be binding and final on both the parties.”

3. The writ petition is also pre-mature since it has been filed at the stage of show cause notice. We make it clear that as and when a decision is taken pursuant to the show cause notice dated 21.09.2019 after hearing the petitioner, it shall be open to the petitioner to avail the remedy specifically provided under Clause 45 of the agreement.

Accordingly, there is no merit in the petition and the same stands dismissed.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(RAJIV SHARMA)
JUDGE

06.11.2019
ravinder

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