

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 35059-2019 (O&M)

DATE OF DECISION: 02.12.2019

The Swami Cooperative Labour and Construction Society Ltd. Gohana
through its sole proprietor

....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. Pawan Attri, Advocate for the petitioner.
Mr. Deepak Balyan, Addl. Advocate General, Haryana,
for the respondents.

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RAVI SHANKER JHA, CHIEF JUSTICE: (Oral)

Learned counsel for the petitioner submits that the petitioner who had been awarded the contract of providing services to the respondents had approached this Court by filing Civil Writ Petition No. 33289 of 2019, aggrieved by the action of the respondents in terminating the contract awarded to the petitioner at the behest of certain employees who had filed a false complaint against the petitioner on account of a dispute between the petitioner and the employees which was dismissed as withdrawn with liberty to invoke clause 9 of the agreement. Respondents No. 4 to 7 filed Civil Writ Petition No. 6148 of 2019 wherein an interim order has been passed by this Court restraining the respondents from dispensing with the services of the petitioners.

Learned counsel for the petitioner submits that the petition filed by the petitioner against termination of the contract was dismissed as withdrawn with liberty to invoke clause 9 of the agreement which provides for dispute resolution mechanism. It is stated that pursuant to the aforesaid withdrawal of the petition, the petitioner has approached the authorities by

raising a dispute and seeking resolution of the same by filing a representation on 19.11.2019 but the authorities without taking a decision thereon has issued a fresh tender notice dated 20.11.2019 seeking to award the service contract to other persons.

Learned counsel for the petitioner submits that his service contract was terminated on account of a false complaint given by some employees which is infact not even supported by other co-employees. It is stated that there are documents on record that the petitioner is paying the required wages to all the employees. It is stated that in such circumstances, if the authorities proceed with the issuance of fresh tender notice without deciding the petitioner's grievance, it would result in irreparable harm and injury to it.

Learned counsel appearing for the State of Haryana on advance copy of the petition undertakes to consider and take a decision on the petitioner's representation within a week before proceeding any further with the tender proceedings which are even otherwise going to be finalized by 16.12.2019.

In view of the above, we dispose of the petition with a direction to the respondents' authorities to consider and take a decision on the petitioner's representation within a week before proceeding any further with the tender proceedings from the date of receipt of a certified copy of this order. However, we have not expressed any opinion on the merits of the case.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(RAJIV SHARMA)
JUDGE

02.12.2019
ravinder

Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO