

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

203

**CWP No.10196 of 2020
Decided on : 14.12.2020**

Col. Bhalinder Singh Brar (Retd.)

... Petitioner

Versus

Union of India and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. Navdeep Singh, Advocate, for the petitioner.

Mr. S.P. Jain, Additional Solicitor General of India with
Mr. Gaurav Pathak, Advocate for respondents No.1 & 2.

(The proceedings are being conducted through
video conferencing, as per instructions.)

G.S. Sandhawal, J. (Oral)

The petitioner in the present writ petition filed under Article 226 of the Constitution of India seeks directions for issuance of a writ in the nature of mandamus by directing respondent No.1 to objectively investigate and act upon the grievances raised in the representations dated 08.05.2020 and 20.06.2020 (Annexures P-5 & P-6) in a time bound manner and pass a speaking order.

The grievances as such in the representations, which have been raised is that multiple security agencies are providing critical securities to sensitive installations being run from a single non-descript building and that the same can only be done by the defence officers, who are authorized to run the security set up. Such agencies cannot be sub-let or run by the civilians and there are allegations that the officers have sub-let their agencies to respondent No.3, who was subsequently impleaded on 21.08.2020.

The said grievance as such has been noticed by this Court on 20.07.2020 while issuing notice of motion.

The response in the written statement filed by respondent No.2 is also that the credentials of the security agencies were checked and it was confirmed that the proprietors of all agencies were present in person on 18.04.2020 at the CWC, RO, Chandigarh to conclude the contract. It is further submitted that the allegations of sub-letting as levelled by the petitioner remained un-substantiated during the surprise visit and that no complaint has been received regarding the lapse in security or any complaint against the security agency responsible for security of the installations. It is submitted that the petitioner could approach the State authorities or police department and he has the remedy to file complaint with the the Controlling Authority (License Issuing Authority).

The petitioner in his replication further stated that the reply as such is evasive and only retired military officers are to be empanelled for such security agencies with proper infrastructure and it is being run from a non-descript building. The authority as such of the officer who has filed the reply on behalf of the State, who belongs to the Army Supply Corp's has also been questioned.

Reply filed by respondent No.3 against whom allegations were levelled also go on to show that the issue is sought to be skirted and side stepped as the defence is that these are triable issues, which would require to be tried by the trial Court, before which evidence will be

required to be lead to prove the stand. It is, however, admitted that the said respondent is owner of the building, but he averred that he let out his property to different persons, who are using the same according to their needs and requirements and he has no concern with the security agencies and he is a landlord of the building situated in Bahadargarh which is let out to different persons at different times.

In such circumstances, the submission which has been made by counsel for the petitioner seems to be *prima facie* correct that 14 agencies are claimed to be operating from single building having separate proprietors and running from a non-descript building from where they are functioning. The matter requires a thorough look by respondent No.1 in the above facts and circumstances.

Resultantly, the present writ petition is disposed off with directions to respondent No.1 to take action on the representations dated 08.05.2020 and 20.06.2020 (Annexures P-5 & P-6) by passing a speaking order and take corrective measures on such issues, within a period of 3 months from the date of receipt of certified copy of this order.

DECEMBER 14, 2020

Naveen

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No