

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 16575 of 2021 (O&M)

Date of decision:- 26.08.2021

M/s HB Security Services

.....Petitioner

Versus

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE.**

Present:- Mr. Aman Sharma, Advocate, for the petitioner.

Ms. Monica Chhibber Sharma, Sr. Deputy Advocate General,
Punjab.

(The aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual Court).

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RAVI SHANKER JHA, CHIEF JUSTICE (oral)

The petitioner is a registered firm who has been awarded contract for supply of manpower to the establishment(s) of the respondents. The petitioner firm has assailed a letter dated 30.07.2021 (Annexure P-7) issued by respondent No.3 whereby it has been directed to refund an amount of Rs.3000/- retained as refundable security from each staff member on the ground that it is in violation of Section IV "Conditions Governing the Tender" for supply of manpower.

On a repeated query to learned counsel for the petitioner as to what final decision has been taken by the respondent-authorities, learned counsel for the petitioner submits that no final decision has yet been taken though a personal hearing was granted to the petitioner on 19.08.2021. He, however, submits as the petitioner firm is recovering the said amount from

its employees pursuant to a separate agreement entered into between the petitioner and its employees, the entire action of the authorities should be quashed. He further submits that the petitioner firm has been granted personal hearing in respect of the issue after filing of its reply dated 10.08.2021 (Annexure P-8) to the letter dated 30.07.2021 (Annexure P-7).

Concededly, the petitioner has submitted a response dated 10.08.2021 (Annexure P-8) to the impugned letter dated 30.07.2021. It is not disputed either that the authorities had even afforded an opportunity of hearing to the petitioner on 19.08.2021 and no formal order has yet been passed. In the given circumstances, when the matter is still pending consideration and no final decision has yet been taken, in our opinion, the petition is pre-mature. That apart, the contract entered into between the parties also contains a specific clause that envisage 'Dispute Resolution Mechanism', which the petitioner shall be free to avail, if the situation so arises after the final decision is taken by the authorities or any order is passed in this regard.

In view of the above facts and circumstances, the petition is dismissed as pre-mature at this stage.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

26.08.2021
ravinder

Whetherspeaking/reasoned	Yes/No
Whetherreportable	Yes/No