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

CWP No. 22383 of 2021

Date of Decision: 03.11.2021

M/s Bankey Bihari Contractor

-Petitioner

Versus

State of Haryana and another

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Alok Mittal, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J. (Oral)

Petitioner has preferred this petition for issuance of an appropriate writ in the nature of mandamus directing respondents No.1 and 2 to release the amount of bill along with interest in consonance with bill dated 01.12.2020 against lifting and transportation of 500 MT wheat from Samalkha to Munni Flour Mill, Kaithal.

Learned counsel for the petitioner submits that tenders were invited in the year 2019-20 for the appointment of Transport Contractor at Labour and Cartage Operation, Samalkha. Term of the contract was w.e.f. 01.04.2019 to 31.03.2020, however, keeping in view the situation arising out of

pandemic COVID-19, respondent as a measure of urgency sought to transfer 500 MT wheat from Samalkha to Munni Flour Mill, Kaithal for which petitioner was asked to do the needful. Petitioner being Mandi Transport Contractor for the respondent-Department from 2019 onwards did the assignment as one time measure which was undertaken by respondent keeping in view the urgency in supplying the wheat to meet public distribution supply during surge of pandemic COVID-19.

Petitioner has successfully transported 9949 bags of wheat and raised a bill of Rs.3,48,215/- to the respondents as per prevailing rate in the market. Owing to inaction on behalf of the respondents, petitioner has already issued a representation to the Chief Manager which has been referred to respondent No.2 in due course. The representation is still lying with respondent No.2 without being any action taken.

Learned counsel submits that at this stage, petitioner would be satisfied in case representation dated 11.03.2021 is ordered to be decided by respondent No.2 within a specified time.

Notice of motion.

On the asking of the Court, Mr. Ashish Yadav, Addl. A.G., Haryana accepts notice on behalf of the respondents.

In view of nature of order which this Court proposes to pass, there is no necessity of calling upon response from the respondents at this stage, as no order prejudicial to the interest of any party is being passed.

This petition is disposed of with a direction to respondent No.2 to decide the representation of the petitioner dated 11.03.2021 in accordance with law preferably within a period of one month from the date of receipt of certified copy of this order.

In case, claim of the petitioner is established and the same is found to be due to the petitioner, respondent No.2 shall proceed to answer the claim of the petitioner within a further period of 02 weeks.

03.11.2021

Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

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