

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

120

CRWP-9364-2022

Date of Decision: 29.09.2022

Dinesh Kumar

... Petitioner

VS.

State of Punjab & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Anurag Chopra, Advocate for the petitioner

Sandeep Moudgil, J.

The petitioner has filed the present petition under Article 226 of the Constitution of India seeking a direction to the official respondents to protect the life and liberty of the petitioner and the workers who have been severely prejudiced/threatened at the hands of the private respondents being representative of a private/independent truck operator union which is operating at Malerkotla, District Sangrur where the petitioner has been allotted the works of HTC work at Malerkotla Centre under DO Sangru by the Food Corporation of India for loading and unloading of foodgrains vide allotment letter dated 21.06.2022 (Annexure P1) and the same are being disrupted by the illegal nefarious activities of the private respondents. Further a direction has been sought to inquire into and decide the representation dated 26.09.2022 (Annexure P2).

2. Brief facts of this petition are that the petitioner Dinesh Kumar, who is representing the proprietorship firm, had been given the assignment of Handling and Transportation Contract of Food Grains at Centre Malerkotla under D.O. Sangrur by the Food Corporation of India, vide allotment letter dated 21.06.2022 for a two-year period (Annexure P/2). However, private

Respondents 5 to 8, who are also the Members of the Truck Operator Union, near Improvement Trust Office, Dhuri Road, Malerkotla, Punjab, are obstructing the supply of work of the petitioner to distribute the goods/food grains to other parts of the country, under the public distribution system.

3. Learned Counsel for the petitioner submits that in accordance with the allotment letter dated 21.06.2022 the petitioner has been given a contract by the Food Corporation of India for loading and unloading the food grains at various Centres. The petitioner, while undertaking the said allotted work, engaged its own supply of requisite trucks and labour force to execute the work of loading and unloading of the goods/food grains at respective godowns.

4. It is also contended further that according to the terms and conditions of the aforesaid contract, if any delay is caused in the execution of the allotted work due to any unreasonable reason by the contractor, he shall be liable for demurrage, as, such delay hampers the transportation of the essential commodity which would result into imposition of a penalty on the Contractor by the Food Corporation.

5. Mr. Chopra has argued that both the private respondents and its labour force were severely hampering with the practice of the petitioner and due to such obstruction, he was unable to carry out the work of loading and unloading of food grains at various Centres because the Respondents No. 5 to 8 and its labours were stationed outside the petitioner's godowns having equipped with lethal weapons.

6. The assertion is also made to the effect that Respondents No. 5 to 8, alongwith its labour, are obstructing the work of the petitioner and are

not only letting the latter to undertake the said allotted work but are also forcing the petitioner by way of unscrupulous activities to hire them and pay exorbitant rates for the said work.

7. It is urged by the Learned Counsel for the petitioner that the representatives of truck union/Private Respondents are openly threatening the petitioner of the dire consequences of causing serious damage to the life and property of the petitioner as well as the employees/labourers, trucks and truck drivers engaged by the petitioner. He also alleges that the petitioner has not been able to work smoothly and is unable to fulfil its contractual obligations for the said Centre due to the constant threat faced at the behest of the private Respondents. As the bags of essential commodities are perishable in nature, it would cause huge loss not only to the petitioner but also to the State exchequer.

8. Learned Counsel for the petitioner further submits that despite submission of representation dated 26.09.2022 (Annexure P/2) to the concerned authorities, no action has been taken till date. It is in the interest of the public that this situation be controlled and the hindrances faced by the petitioner should be resolved as the acts of the private Respondents No. 5 to 8 had been unnecessarily causing delay and latches thereby causing loss to the petitioner and the State.

9. Learned Counsel for the petitioner prays that appropriate direction be issued to Respondents No. 2 to 4 to ensure that no hindrance is created by the private Respondents in the execution of the work, which has been validly allotted to the petitioner and is to be executed urgently within the

stipulated time period. On this premise, protection of life and liberty has been prayed for in this petition.

10. I have heard learned counsel for the petitioner.

11. From the entire case file, it reveals that no specific instance of threat perception has been given by the petitioner in his representation dated 26.09.2022. The petitioner approached this Hon'ble Court immediately within 3 days of filing the said representation. A perusal of the petition and the averments made therein shows that neither any specific instance has been highlighted nor is any pleading to make out a prima facie case of threat perception.

12. In the light of discussion made hereinabove and on the perusal of case file, I am of the considered view that the petitioner has failed to make out the case for providing protection to his life and liberty inasmuch as the petition is an abuse of process of law under the garb of Article 21 of the Constitution of India.

13. If at all, the petitioner has a threat then he has got a legal remedy to either approach the police authorities or to file criminal complaint against the unscrupulous persons, who, allegedly are hindering the petitioner and his workers from loading/unloading of foodgrains at his godown.

14. Dismissed, being devoid of any merit.

29.09.2022

V.Vishal

1. Whether speaking/reasoned?

2. Whether reportable?

(Sandeep Moudgil)
Judge

Yes/No

Yes/No