

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-6446-2024(O&M)
Date of decision: 18.03.2024

Pawan Kumar Garg
... Petitioner
Versus
U.T. Chandigarh and others
... Respondents

CORAM: HON’BLE MR. JUSTICE ARUN PALLI
HON’BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Baltej Singh Sidhu, Senior Advocate, with
Mr. Chandan Singh, Advocate,
for the petitioner.
Mrs. Madhu Dayal, Addl. Standing Counsel, and
Ms. Shubreet Kaur, Jr. Panel Counsel,
for respondents No.1 to 3-UT, Chandigarh.

ARUN PALLI, J. (Oral)

The petitioner has prayed for the following substantive relief:

“Civil Writ Petition Under Articles 226/227 of the Constitution of India for issuance of writ in the nature of Mandamus directing respondent no. 2 i.e. Chandigarh Industrial & Tourism Development Corporation Limited, to cancel the contract dated 13.01.2022 (P/7) allotted to respondent no. 4 for ferrying solar boat at Sukhna Lake in view of the letter dated 10.05.2022 (P/19) and 07.10.2022 (P/27) vide which the experience certificate dated 12.03.2020 (P/9) issued by the office of Lucknow Development Authority on the basis of which the contract has been awarded to respondent no 4 has been cancelled by the issuing authority i.e. Lucknow Development Authority, Lucknow and further in view of the letter bearing No. IW/SA-1/4915 dated 09.06.2023 (P/33) vide which respondent no. 2 had taken a decision to cancel the contract as the experience certificate has already been cancelled on the basis of which contract was awarded to respondent no. 4.

Further writ in the nature of Mandamus directing the respondent no 3 to take appropriate action against respondent no. 5 for not conducting the inquiry on the complaint moved by the petitioner in a fair, proper and impartial manner whereby the experience certificate dated 12.03.2020 (P/9) has been held to be genuine one which has now been cancelled by the issuing authority being not genuine.”

Served with the advance copy of the petition, Mrs. Madhu Dayal, learned Additional Standing Counsel, UT, Chandigarh, is present in Court on behalf of respondents No.1 to 3.

At the outset, she submits that in context of the concerns/grievances that are sought to be raised in the petition, respondent No.4 had already been served with a show cause notice dated 06.01.2023. And a reply thereto has since been submitted by him on 09.01.2023. Accordingly, the matter is pending consideration of the competent authority. She acknowledges that a considerable time has elapsed since then, but submits let this petition be disposed of, at this stage, to enable the respondent-authorities to pass necessary orders, in accordance with law.

Learned Senior counsel for the petitioner is agreeable to the course suggested by learned Additional Standing Counsel, UT, Chandigarh. However, he submits that the authorities be directed to dispose of the matter within a specified time.

To this, learned Additional Standing Counsel submits that the competent authority shall pass the necessary order within a period of four weeks from today.

In view of above, and without commenting upon the merits of the case as also the maintainability of this petition in the wake of an earlier order passed by this Court dated 19.04.2022, in CWP-7790-2022 (P-17), the same is disposed of in terms of the statements made by learned counsel for the parties.

(Arun Palli)
Judge

(Vikram Aggarwal)
Judge

18.03.2024
Rajan

Whether speaking / reasoned:	YES/NO
Whether Reportable:	YES/NO