



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 24224 of 2024

Date of decision: 20.09.2024

Sandeep Yadav

.... Petitioner

Vs.

State of Haryana and others

.... Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN PALLI
HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. Lajpat Rai, Advocate for
Mr. Vivek Khatri, Advocate
for the petitioner

ARUN PALLI, J (Oral)

An agreement No.15 of 2020-21 was entered into between the petitioner (Sandeep Yadav) and the respondent department for improvement of road widening and strengthening on Matanhail to Salhawas via Bambulia, Koyalpur, Redhuwas (Matanhail Block), in Jhajjar District, under the Pradhan Mantri Gram Sadak Yojana-III (PMGSY) Batch-1.

Learned counsel for the petitioner submits that the subject contract, was terminated by the respondent authorities on July 30, 2022 as the petitioner allegedly failed to execute the work despite numerous notices he was served with. Aggrieved thereby, he, in terms of Clause 24.1 of the contract, approached the competent authority, which, vide order dated March 27, 2024 (conveyed on April 09, 2024), rejected his claim observing that the contract assigned to him was lawfully terminated. Further, he submits that post order dated March 27, 2024 (P-6), the petitioner, in terms of Clause 24.2 of the Contract, preferred an appeal on April 30, 2024 and sought constitution of an Empowered Standing Committee (Appellate Authority). He submits that the limited grievance the petitioner has is: even though the appeal preferred by the petitioner is pending since April, 2024, and a considerable time has elapsed, the respondent authorities are yet to constitute an Empowered Standing Committee to examine his grievances. Rather, to the contrary, the authorities are contemplating to appoint a retired Chief

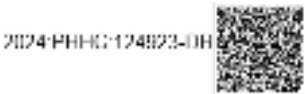


Engineer from the Government empanelled arbitrators to adjudicate upon the dispute at hands. Thus, this petition.

Served with the advance copy of the petition, Mr. Ankur Mittal, learned Additional Advocate General, Haryana along with Ms. Kushaldeep Kaur, Advocate is present in Court on behalf of the respondents. At the outset, he has drawn our attention to the communication dated June 19, 2024 (P-10), vide which, the petitioner was required to select one non official member from the panel of three retired Chief Engineers, to enable the authorities to proceed further with the matter. He submits that grievance of the petitioner that rather than constituting an Empowered Standing Committee, the matter is sought to be referred for arbitral adjudication by the retired Chief Engineer, is apparently misconceived. In this regard, he has drawn our attention to Clause 24.3 of the Contract, which envisages composition of Empowered Standing Committee. And, with reference to Clause (III), he submits that one of the non-official members, who is the technical expert of Chief Engineer's or Superintending Engineer's level is to be selected by the contractor from the panel of three persons given to him by the Employer. Therefore, he asserts that the communication dated June 19, 2024 (*ibid*) is in sync with Clause 24.2 of the Contract, whereby the petitioner was required to express his option to constitute an Empowered Standing Committee, which would deal with the appeal preferred by him.

Faced with this, learned counsel for the petitioner submits that let this petition be disposed of in terms of the statement made by learned State counsel. And, the petitioner, in response to the communication June 19, 2024, would communicate his option. Whereupon, the authorities be directed to constitute the Committee to decide the appeal, preferred by the petitioner.

To this, learned State counsel submits that immediately on receipt of any such response from the petitioner, the authorities without any further loss of time would constitute an Empowered Standing Committee, to examine the claim/appeal of the petitioner after affording due and adequate opportunity to him.



In the wake of the position sketched out above, and in terms of the statement made by learned counsel for the parties, this petition is accordingly disposed of.

Needless to assert that this order shall not constitute an expression of opinion on the merits of the case of either party, for, as indicated earlier, the competent authority shall examine the grievances of the petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

20.09.2024
deepak

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