

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

C.W.P. No.2765 of 2010  
Date of decision: 30.4.2010

**Rakesh Kumar.**

-----Petitioner.

Vs.

**Food Corporation of India & another.**

-----Respondents

**CORAM:- HON'BLE MR. JUSTICE ADARSH KUMAR GOEL  
HON'BLE MR. JUSTICE ALOK SINGH**

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

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**ORDER:**

1. This petition seeks quashing of order dated 13.1.2010, whereby the Food Corporation of India has given the contract of handling of transport work to respondent No.2.
2. Grievance of the petitioner is that only a registered union could be given the contract, while the union of which respondent No.2 was the President, was not registered.
3. Learned counsel for the petitioner submits that though respondent No.2 applied in his personal capacity, vide resolution, Annexure P-10, it was the union which had authorized him to apply for the tender.
4. It is not disputed that individually, respondent No.2 was eligible to get the contract and whether he was acting as a proxy for the union or not, is a question of fact. Having regard to

the facts of this case, it will not be appropriate to adjudicate upon this question in summary jurisdiction under Article 226 of the Constitution.

5. The petition is dismissed.

6. It is made clear that this will not debar any other remedy to the petitioner in accordance with law.

**(ADARSH KUMAR GOEL)**  
**JUDGE**

**April 30, 2010**  
**ashwani**

**( ALOK SINGH )**  
**JUDGE**