

WPMS No. 1697 of 2020

with

WPMS No. 1698 of 2020

with

WPMS No. 1699 of 2020

with

WPMS No. 1700 of 2020

with

WPMS No. 1703 of 2020

**Hon'ble Manoj K. Tiwari, J.**

Mr. Amar Murti Shukla, Advocate for the petitioner.

Mr. Shobhit Saharia, Advocate for the respondent no. 1.

Heard learned counsel for the parties through video conferencing.

Since common questions of fact and law are involved in these writ petitions, therefore these petitions are clubbed together and are being heard & decided together. However, for the sake of convenience, facts of WPMS No. 1697 of 2020 are being considered.

According to the petitioner, he was granted a sub contract by Hindustan Construction Company for supplying manpower in Vishnugad Pipalkoti Hydro Electric Project, executed by T.H.D.C. His contract has been terminated by Hindustan Construction Company for breach of some condition of the contract. Thus, feeling aggrieved, petitioner has approached this Court seeking following reliefs:

“a) Issue a writ order or direction in the nature of Certiorari quashing the impugned order/letter dated 7.9.2020 (Annexure-5) issued by respondent no. 2.

b) Issue a writ order or direction in the nature of Mandamus commanding and directing the respondents to forthwith make the payment in lieu of work done by petitioner in respect of work order no. 24005775 w.e.f. February 2020 to till date.

c) Issue a writ order or direction in the nature of Mandamus commanding and directing the respondents not to disturb the functioning of petitioner in respect of Work Order No. 24005775.”

Since M/s Hindustan Construction Company, which has terminated the contract of the petitioner, is neither funded nor controlled by the State, therefore, these writ petitions are not maintainable under Article 226 of Constitution of India.

Learned counsel for the petitioner then submits that petitioner may be permitted to make representation to principal employer i.e. T.H.D.C. for redressal of his grievances and the Competent Authority in T.H.D.C. be directed to take decision thereupon at the earliest.

Learned counsel for the respondent no. 1 submits that if petitioner makes a representation, the same shall be decided at the earliest.

Having regard to the facts & circumstances of the case, the writ petitions are disposed of with liberty to petitioner(s) to make representation(s) to General Manager,, Project, Vishnugad Pipalkoti, Hydro Electric Project. If such representation(s) is made within three days from today, the same shall be decided by General Manager, Project, Vishnugad Pipalkoti, Hydro Electric Project, in accordance with law, within ten days from the date of receipt of such representation(s) alongwith certified copy of this order.

Let a certified copy of this order be issued today itself.

**(Manoj K. Tiwari, J.)**