

(2011) 10 P&H CK 0128

High Court Of Punjab And Haryana At Chandigarh

Case No: CWP No. 6257 of 1987 (O and M)

Mohinder Singh

APPELLANT

Vs

The Punjab State Co-operative
Milk Producers' Federation Ltd.

RESPONDENT

Date of Decision: Oct. 17, 2011

Hon'ble Judges: K. Kannan, J

Bench: Single Bench

Final Decision: Dismissed

Judgement

K. Kannan, J

1. The writ petition is filed at the instance of an employee under MILKFED challenging the orders issued by MILKFED through the Managing Director. The impugned notices are (i) a direction by the Manager, Cattle Feed Plant, Khanna to the officials working under him to affix a rubber stamp on the sale bills of Cattle Feeds that they were

"not for resale"

and (ii) a direction to fill up various categories of posts on regular basis from amongst the employees on the cadre of MILKFED through a process of internal notification, apart from the notification of these vacancies through the State Employment Exchange.

2. I do not find any justification for a writ petition to challenge these notices. A direction by MILKFED that goods, which were sold are not meant for resale, is a method of regulating a control over their own products and to ensure that the identity or integrity of the product sold by MILKFED are not tampered in any way and passed on to other consumers by way of resale by persons, who purchase it directly from the MILKFED. I would see this to be a policy issue, which cannot be interfered.

3. Similarly, the direction for an internal notification for recruitment of future vacancies from amongst their own cadre even apart from securing prospective candidates from the Employment Exchange, cannot be interfered with by the Court. A recruitment other than through open market is a known-method of filling up the vacant posts and if the Respondents had declared such a decision for implementation, they shall be at liberty to do so and it would offer no scope for interference.

4. There is no representation on behalf of the Petitioner but I have chosen to dispose of the case on merits, having regard to the fact that the case is of the year 1987 and there is no justification for the Petitioner or the counsel for the Petitioner to be absent when the matter was called.

5. The writ petition is dismissed.