

Court No. - 3

Case :- WRIT - C No. - 10697 of 2023

Petitioner :- M/S Labco Instruments Thru. Its Sole Proprietor Shri Arvind Kumar Verma And Another

Respondent :- State Of U.P. Thru. Prin. Secy. Medical Health And Family Welfare Lko. And Others

Counsel for Petitioner :- Tanay Chaudhary, Aditya Vikram Singh

Counsel for Respondent :- C.S.C., Naresh Chandra Mehrotra

Hon'ble Vivek Chaudhary, J.

Hon'ble Manish Kumar, J.

1. Sri Naresh Chandra Mehrotra, Advocate has filed power on behalf of respondent no.3 today and the same is taken on record.

2. Heard Sri Jaideep Narain Mathur, Senior Advocate assisted by Sri Tanay Chaudhary, Advocate, Aditya Vikram Singh, Advocate and Sri Aditya Khanna, Advocate on behalf of petitioner, Sri Naresh Chandra Mehrotra, learned counsel for respondent no.3 and learned Standing Counsel for State.

3. Earlier black listing order passed against the petitioner was set aside by this Court on the ground that no opportunity of hearing was given to petitioner before passing the order of black listing. However, liberty was granted to respondents to pass fresh order after giving an opportunity of hearing. Now, again merely by fixing a date for hearing on which petitioner was called the impugned order dated 31.10.2023 is passed whereby petitioner has been again black listed for unspecified time.

4. It is least expected by respondent authorities that they would

give show cause notice and intimate the ground on which the reply is sought from the petitioner. However, respondent no.2 Secretary, Medical (Anubhag-6), Civil Secretariat, Lucknow has failed to even comply with said small necessary legal requirement. It can not be believed that the respondent no.2 is unaware of this basic formality necessarily required to be completed under the law.

5. In view of the aforesaid facts and circumstances of the case, the impugned order dated 31.10.2023 is set aside.

6. The respondent no.3 is cautioned not to exercise his power in such a causal manner and ensure compliance of law.

7. It is further provided that no order shall be passed against petitioner unless a notice with reason as to why any order is proposed to be passed is served to petitioner and time is provided to file its reply.

8. With the aforesaid, the writ petition is **allowed**.

Order Date :- 11.12.2023

Arti/-

[Manish Kumar,J.]

[Vivek Chaudhary,J.]