

Sr. No.

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH  
AT JAMMU**

**LPA Nos.8, 17 & 19/2023(O&M)**

**Reserved on : 26.02.2024.**

**Pronounced on: 29 .02 .2024.**

**LPA No.8/2023, CM No.333/2023**

1. Union Territory of J&K through  
Principal Secretary to Government,  
Housing and Urban Development  
Department, Civil Secretariat,  
Jammu/Srinagar.
2. Director,  
Urban Local Bodies,  
Near Rail Head Complex, Jammu.

....Petitioner(s)/Appellant(s)

Through :- Mr. S. S. Nanda, Sr. AAG

V/s

1. M/s National Developmental Organization  
A Governmental Organization having its office  
Ambedkar Nagar, High Court Road, Janipur,  
Jammu,  
Through its Chairman Zulifkar Hussain Malik  
S/O Baitullah Malik,  
R/o House No.700/B, Housing Colony Janipur  
Jammu.
2. Zulifkar Hussain Malik  
S/O Baitullah Malik  
R/o House No.700/B, Housing Colony Janipur  
Jammu,  
Chairman National Developmental  
Organization, Age 47 years

....Respondent(s)

Through :- Mr. Nonu S. Khera, Advocate.  
Mr. Achal Sharma, Advocate.

**LPA No.17/2023, CM No.795/2023**

1. Union Territory of J&K through  
Principal Secretary to Government,  
Housing and Urban Development  
Department, Civil Secretariat,  
Jammu/Srinagar.
2. Director,  
Urban Local Bodies,  
Near Rail Head Complex, Jammu.

....Petitioner(s)/Appellant(s)

Through :- Mr. S. S. Nanda, Sr. AAG

V/s

1. M/s Kashmir Research Institute of Education and Solar Technology, a NON Government Organization having its office at K.P. Road Anantnag, Kashmir J&K through its Chairman Showkat Naseer  
S/O Bashir Ahmed Rangriz  
R/O S. K. Colony Anantnag, Kashmir, J&K
2. Showkat Naseer  
S/O Bashir Ahmed Rangriz  
R/O S. K. Colony Anantnag, Kashmir, J&K  
Chairman  
M/s Kashmir Research Institute of Education and Solar Technology, Age 48 years

....Respondent(s)

Through :- Mr. Nonu S. Khera, Advocate.  
Mr. Achal Sharma, Advocate.

**LPA No.19/2023, CM Nos.836& 837/2023**

1. Union Territory of J&K through Principal Secretary to Government, Housing and Urban Development Department, Civil Secretariat, Jammu/Srinagar.
2. Director,  
Urban Local Bodies,  
Near Rail Head Complex, Jammu.

....Petitioner(s)/Appellant(s)

Through :- Mr. S. S. Nanda, Sr. AAG

V/s

1. M/s Human & Rehabilitation Service, a Non-Government Organization having its office at Inderwal, Chattru Kishtwar through its Chairman Nusrat Bashir W/o Javed Iqbal R/o Chattru, District Kishtwar, J&K
2. Nusrat Bashir W/o Javed Iqbal R/o Chattru, District Kishtwar, J&K  
Chairman  
M/s Human & Rehabilitation Service,  
Age 40 years

....Respondent(s)

Through :- Mr. Nonu S. Khera, Advocate.  
Mr. Achal Sharma, Advocate.

**Coram: HON'BLE MR. JUSTICE TASHI RABSTAN, JUDGE  
HON'BLE MR. JUSTICE PUNEET GUPTA, JUDGE**

## **JUDGMENT**

### **TASHI RABSTAN,J:**

1. This common order will dispose of all three appeals arising out of common order dated 23.08.2022 passed by the learned Single Judge in three writ petitions filed by the writ petitioners/respondents herein, whereby the learned Single Judge has quashed Order No.306-DULBG of 2021 dated 22.09.2024 issued by the appellants herein and were directed the appellants to consider the case of the writ petitioners for release of payments in respect of those works having been completed by the writ petitioners and appellants were also directed to consider the cases of the writ petitioners for completion of the allotted works not having been completed so far.

2. Being aggrieved of the order dated 23.08.2022, the appellants have filed these intra-court appeals assailing the impugned order.

3. Appellants assail the impugned order, *inter alia*, on the following grounds:

- i. *that the impugned order is contrary to law on the point and fact of the case, as such is required to be quashed/set aside;*
- ii. *that despite disclosing the fact about the issuance of prior notice/order upon the respondents including vide Order No.125-DULBJ of 2021 dated 09.08.2021 for resumption of the balance work, prior to issuance of order No.306-DULBJ of 2021 dated 22.09.2021, taking stand and disclosure made in the objections filed by the department, the same has not been appreciated by the writ court in its true and correct perspective, as such the order and judgment dated 23.08.2022 passed by the court is liable to be set-aside.'*

4. Heard learned counsel for the parties and perused the entire file.

5. The learned Single Judge in paragraph 8 of the impugned order has observed that proper show-cause notice, granting a reasonable opportunity of hearing, is an essential element in decisions pertaining to the blacklisting, and admittedly, the writ petitioners have not been issued prior show case notice or else provided an opportunity of hearing before issuing impugned order dated 22.09.2024 whereunder the writ petitioners has been blacklisted and debarred from executing any kind of work within the jurisdiction of Urban Local Body of Jammu Division besides directing forfeiture of money claims for the works executed by them.

6. To give the quietus to the controversy raised in these appeals, the only thing to be seen is that whether the writ petitioners/respondents herein have been informed before issuance of the blacklisting orders.

7. Perusal of the objections filed by the appellants in the writ petitions would show that the appellants have heavily relied on Order No.125-DULBJ of 2021 dated 09.08.2021 to show that they have given an opportunity of hearing to the writ petitioners before blacklisting the writ petitioners vide Order No.306-DULBJ of 2021 dated 22.09.2021.

8. When the order dated 09.08.2021 was passed, copies were mentioned to be given to the following:

1. *Principal Secretary to Govt., Housing & Urban Development Deptt. J&K, Civil Secretariat, Srinagar for favour of information please.*
2. *Deputy Commissioner, Jammu/Poonch/Udhampur /Reasi/Rajouri / Samba/Kathua/Doda/Ramban/Kishtwar for favour of information.*
3. *Executive Engineer, PWD(R&B) Division-I, & III, Jammu/Samba/ Kathua/Basholi/Rajouri/Nowshera/Poonch/Udhampur/Katra/ Reasi/ Ramban/Doda/Bhaderwah/Kishtwar for information and with the request to ensure the completion of all CTs/PTs under execution in your division.*
4. *CEOs/Eos Municipal Councils/Committees \_\_\_\_\_ all for information and n/a.*
5. *Accounts Officer, DULB Jammu for information.*

9. A bare look at the above evinces deafening silence about the supply of the copy of the above order to the writ petitioners.
10. Much to our chagrin, we drew a blank when we asked the Senior AAG appearing for the appellants to show where and when the order dated 09.08.2021 has been brought to the knowledge of the writ petitioners/respondents herein.
11. In view of the preceding analysis, we are clearly of the view that the order passed by the learned Single Judge dated 23.08.2022 suffers no infirmity and so is upheld accordingly.
12. The appeals being meritless are dismissed with connected applications.
13. No order as to costs.

Jammu:  
29.02.2024  
Raj Kumar

**(Puneet Gupta)**  
**Judge**

**(Tashi Rabstan)**  
**Judge**

