

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (C) No. 726 of 2015**

Jitendra Kumar Singh S/o Late Syama Pal Singh Aged About 48 years
R/o Village Nakulnar, Nakulnar, PO Kuakarda (PS), Dantewada District
Dantewada State Chhattisgarh Pin 494552

---- Petitioner**Versus**

1. National Mineral Development Corporation Through Chairman - Cum - Managing Director Khanij Bhawan, Masab Tank, Hyderabad, Telegana State Pin 500028
2. General Manager, National Mineral Development Corporation Ltd., Bailadila Iron Ore Project, Kirandul, Dantewada, District Chhattisgarh State Pin 494556.
3. Dy. General Manager, (Civil) National Mineral Development Corporation, Kirandul, Dantewada District. Chattisgarh State, Pin 494556
4. Dist. Collector, Collectorate Dantewada, Dantewada Dist., Chhattisgarh State Pin 492552

---- Respondents

For Petitioner	: Shri K.R. Nair, Advocate.
For Respondents 1to 3	: Shri Vaibhav Shukla, Advocate.
For Respondent/ State	: Shri Prafull Bharat, Additional Advocate General.

HON'BLE SHRI NAVIN SINHA, CHIEF JUSTICE &
HON'BLE SHRI PRASHANT KUMAR MISHRA, J.

Order On Board**Per NAVIN SINHA, C.J.****01/05/2015**

1. The present writ application assails order dated 15.3.2015 passed by Respondent No.3- Deputy General Manager (Civil), National Mineral Development Corporation Limited, Kirandul, district Dantewada black-listing the Petitioner for two years.

2. Learned Counsel for the Petitioner makes a limited submission that factually no show-cause notice was issued before black-listing and neither does the impugned order reflect that a show-cause notice was issued and reply considered.

3. Learned Counsel for the Respondents from the counter-affidavit is unable to demonstrate that a show-cause notice was issued to the Petitioner for reasons specified calling upon it to explain why the Petitioner be not black-listed for a period of two years. He submits that more than once the Petitioner was noticed with regard to poor execution of the works and asked to improve his performance.

4. Having considered the submissions on behalf of the parties and the settled law with regard to black-listing that it must be preceded by a show-cause notice and consideration of cause shown, as the consequences are serious, we are unable to sustain the order for black-listing in its present form.

5. The order dated 15.3.2015 is set aside, but without prejudice to the rights of the Respondents afresh in accordance with law.

6. The writ petition is allowed.

(Navin Sinha)
CHIEF JUSTICE

(Prashant Kumar Mishra)
JUDGE