

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 15TH DAY OF SEPTEMBER 2015/24TH BHADRA, 1937

WP(C).No. 27755 of 2015 (T)

PETITIONER(S):

**D.J. LABORATORIES PVT. LTD., 'JINDAL HOUSE',
169, JAORA COMPOUND, INDORE, THROUGH ITS
AUTHORISED SIGNATORY, SRI.DHIRENDRA MALVIYA,
MARKETING MANAGER.**

**BY SRI.S.RAMESH BABU, SENIOR ADVOCATE.
ADVS. SRI.P. RAVINDRANATH,
SRI.K.P.KAMALAKARA BABU,
SRI.N.KRISHNA PRASAD,
SRI.IMAM GRIGORIOS KARAT.**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
HEALTH AND FAMILY WELFARE DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.**
- 2. THE KERALA MEDICAL SERVICES CORPORATION LTD.,
REPRESENTED BY ITS MANAGING DIRECTOR,
THYCAUD P.O., THIRUVANANTHAPURAM-14.**
- 3. THE MANAGING DIRECTOR,
KERALA MEDICAL SERVICES CORPORATION LTD.,
THYCAUD P.O., THIRUVANANTHAPURAM-14.**

**R1 BY GOVT. PLEADER SMT.C.K. SHERIN.
R2 & R3 BY ADV. SRI.M.AJAY, SC.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 15-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 COPY OF THE SHOW CAUSE NOTICE DATED 20/03/2014 ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER.
- EXT.P2 COPY OF THE REPLY DATED 26/03/2014 TO EXT.P1 FROM THE PETITIONER TO THE 3RD RESPONDENT.
- EXT.P3 COPY OF THE IMPUGNED ORDER DATED 27/03/2014 ISSUED BY THE 3RD RESPONDENT BLACKLISTING THE PETITIONER.
- EXT.P4 COPY OF THE APPEAL AND STAY PETITION DATED 08/04/2014 FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT AGAINST EXT.P3.
- EXT.P5 COPY OF THE INTERIM ORDER DATED 17/06/2015 IN WP(C).NO.15153/2014.
- EXT.P6 COPY OF THE JUDGMENT DATED 30/06/2014 IN WP(C).NO.15153/2014.
- EXT.P7 COPY OF THE G.O.(RT) NO.1401/2015/H &FWD DATED 14/05/2015.
- EXT.P8 COPY OF THE NOTICE DATED 30/06/2014.
- EXT.P9 COPY OF THE LETTER DATED 07/07/2014.
- EXT.P10 COPY OF THE COMMUNICATION DATED 26/02/2015.
- EXT.P11 COPY OF THE LETTER DATED 11/03/2015.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.A. TO JUDGE

rs.

A.MUHAMED MUSTAQUE, J.

W.P(C)No. 27755 of 2015

Dated this the 15th day of September, 2015

J U D G M E N T

The petitioner, as against blacklisting from the award of the contract, has appealed before the Government. The appeal has been disposed of pursuant to the direction issued by this Court in W.P.(C) No.15153 of 2014. Ext.P7 is the order.

2. The petitioner's case is that the petitioner was not given an opportunity for hearing and his appeal was disposed of without complying with the principles of natural justice.

3. The learned Government Pleader submitted that the petitioner was given opportunities of hearing on three occasions, and thereafter, the order was passed. However, in spite of notice, the petitioner did not attend the meeting.

4. As seen in the impugned order itself, the appeal was concluded in the absence of petitioner as the petitioner did not

respond to three hearing notices. The petitioner's case is that those notices recorded by the impugned order are relating to the complaint raised by the petitioner as against the third respondent and not with respect to the hearing in the matter relating to the appeal filed by the petitioner as against blacklisting.

5. This Court is of the view that the petitioner should be given opportunity in this case. The petitioner shall appear before the first respondent on **26.10.2015** at 11 a.m. The petitioner shall take it as notice for hearing and after hearing the petitioner, appropriate orders shall be passed in accordance with law. In view of the above, the impugned order is set aside.

This writ petition is disposed of as above.

sd/-
A.MUHAMED MUSTAQUE,
Judge

MBS/