

HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.38797 of 2016

ORDER:

Petitioner challenges communication No. CE/KTPS(O&M)/SE/A&P/PO No.4900018070&4900017619/16-17/D.No.646/2016-17, dated 25.10.2016, as illegal, arbitrary and contrary to principles of natural justice.

Respondent No.2-Chief Engineer, Kothagudem Thermal Power Station (Operation & Maintenance), Paloncha through impugned communication, short closed transport contract with petitioner and further blacklisted petitioner from participation in respondent-organisation for a period of three years.

Sri J.Prabhakar, counsel for petitioner, has limited his challenge to the extent of blacklisting the petitioner for a period of three years from participation without, as a matter of fact, considering the just explanation given by petitioner on 19.10.2016. In other words, he contends that on 13.10.2016, show cause notice purporting to take comprehensive decision on short closure and blacklisting was issued. On 19.10.2016, explanation was given by the petitioner. In the communication impugned in the writ petition, respondent No.2 observed as follows:

“Till date, you have not responded for the notice and not restored the services of hire vehicle.”

Therefore, he prays the Court to give liberty to petitioner to submit explanation as regards blacklisting and respondent No.2 may be

directed to consider the explanation and pass orders in accordance with law and the circumstances of the case.

Mr.G.Vidya Sagar, learned Senior Counsel, tried to explain the omission pointed out by the petitioner, by drawing the attention of the Court to various references. He alternatively submits that to the limited extent of permitting the petitioner to submit explanation on proposed blacklisting, he has no objection and respondent No.2 will consider and pass orders.

The submissions of learned counsel are placed on record and accordingly, the impugned communication, insofar as blacklisting is concerned, is set aside. The petitioner is given three days time from today to submit explanation on proposed blacklisting and respondent No.2 is directed to consider and pass orders expeditiously. While disposing of the instant writ petition, it is made clear that the petitioner if otherwise aggrieved either by short closure or forfeiture of security deposit, the petitioner is free to avail the remedies in law.

Writ petition is ordered as indicated above.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

S.V.BHATT,J

Dt:11.11.2016

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