

HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.28945 OF 2016

ORDER:

At request of respondents, the writ petition has been adjourned from 27.08.2016 till date.

Respondents 3 and 4 have not filed counter affidavit. The 2nd respondent filed counter affidavit and the annexures filed along with the counter affidavit *prima facie* show that the complaint of petitioner is tenable.

The petitioner prays for Mandamus declaring the action of 3rd respondent blacklisting petitioner on the note submitted by 4th respondent, particularly without issuing notice or affording opportunity to petitioner, as illegal, arbitrary and amounts to arbitrary exercise of power by respondents 3 and 4.

The 3rd respondent on the note dated 08.12.2014 moved by 4th respondent herein ordered blacklisting the petitioner. The 4th respondent on 26.07.2016 has communicated the blacklisting decision. Thereafter, on the representation of petitioner, note was again moved on 14.08.2015 for deleting the petitioner from the list of black listed outsourcing agencies. The 3rd respondent noted thus:

“Once blacklisted, cannot be revoked.”

Hence the writ petition.

The principal objection of petitioner is that the blacklisting has serious consequences attaches stigma on performance of petitioner as service provider, and the blacklisting without issuing

notice to petitioner is completely illegal and unsustainable. The 3rd respondent, as is evident from the material available on record, has not put the petitioner on notice before blacklisting the petitioner. Secondly when note file is again moved for deleting the name of petitioner from the list of blacklisted service providers, the 3rd respondent declined to exercise his authority and keep the record straight.

Having regard to the material placed on record, the definite assertion of petitioner that the blacklisting in fact, has been carried out without notice to petitioner is accepted and the writ petition is ordered. The blacklisting of petitioner through Lr.No.P.Admin.A1/56(72)/2015-16 dated 11.08.2016 and as communicated by 4th respondent on 26.07.2016 are liable to be set aside and accordingly set aside. The respondents are given liberty to issue notice, if circumstances still warrant, hear the petitioner and pass orders as are necessary and proper.

The writ petition is ordered as indicated above. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

S. V. BHATT, J

Date: 05.12.2016
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