

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

222

Civil Writ Petition No.20225 of 2015(O & M)

Date of Decision:04.02.2016

Amarjit Singh

....petitioner

Versus

State of Punjab and others

.....respondents

**CORAM: HON'BLE MR.JUSTICE S.J.VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR.JUSTICE ARUN PALLI**

- 1.Whether Reporters of local papers may be allowed to see the judgement?**
- 2. To be referred to the Reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

Present: Mr.B.S.Bhalla, Advocate
for the petitioner

Mr.Rajinder Goyal, Additional Advocate General, Punjab

Mr.C.S.Bakshi, Advocate
for respondent No.2

Mr.A.K.Goel, Advocate
for respondent No.3

Mr.Aalok Jagga, Advocate
for respondent No. 4

S.J.VAZIFDAR, ACTING CHIEF JUSTICE (ORAL):

(1) The petitioner has challenged the order dated 31.08.2015 blacklisting him permanently.

(2) Firstly, the impugned order is liable to be set aside on the ground that it blacklists the petitioner permanently. At least, in the facts and circumstances of this case, an order of permanent blacklisting would not be justified. The order of blacklisting permanently or otherwise cannot be passed

without taking all the facts into consideration. The order has been passed on

account of violation of the order passed by the learned Single Judge in the case of **“Sohan Singh versus The State of Punjab”** in CWP No.22100 of 2012.

(3) The petitioner has sought to explain the circumstances in which he had to overload the trucks. In the first instance, he has referred to the situation on account of the agitation by the farmers in the area concerned as well as the surrounding areas. He has also referred to the resolution dated 24.04.2015 of the Market Committee, directing the transporters to overload the trucks, if necessary, to lift the foodgrains.

(4) On the other hand, the respondents contend that the resolution itself was mala fide. This, they contend, is established by the fact that the petitioner himself is a signatory, albeit, as the president of the Artia Association. They further relied upon a subsequent order/circular dated 06.05.2015, issued by Markfed Moga, clarifying that overloading is not permissible, especially in view of the aforesaid order and judgment passed by the learned Single Judge.

(5) The order and judgment of the learned Single Judge, in any event, merely directs the officials respondents to blacklist the violators. It is obvious that the learned Single Judge did not intend that any violation must be met with order of blacklisting permanently or otherwise. That would depend upon the facts and circumstances of the case. There may be certain extenuating circumstances establishing the innocence of a person who has committed the violation. It does not warrant an order of blacklisting. Further the order does not suggest that the order of blacklisting must be permanent.

(6) It would be necessary for the respondents to consider the facts and circumstances of the case, before deciding whether or not to blacklist the petitioner, and if so, the period for which the petitioner ought to be blacklisted.

(7) In the circumstances, the respondents shall take a fresh decision as regards the proposed blacklisting after affording the petitioner and respondent

No.4 an opportunity of being heard. Respondent No.2 shall take the decision on or before 29.02.2016. The duration of blacklisting must also be specified by respondent No.2.

(8) The first hearing shall be held at 11.00 AM on 8th February 2016, without further notice, and thereafter, as directed by respondent No.2.

The petition stands disposed of.

**(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE**

**(ARUN PALLI)
JUDGE**

February 04, 2016
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