

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

106+245

Civil Writ Petition No.22461 of 2016 (O&M)
Date of decision: November 21, 2016

Bhola Singh

....Petitioner

versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Anurag Chopra, Advocate for the petitioner.

Mr. Alok Jain, Addl. A.G., Punjab.

Mr. Harsh Vardhan Shehrawat, Advocate for
Mr. C.S. Bakshi, Advocate for respondents No.2 & 5.

Mr. Ramnish Puri, Advocate for respondent No.4.

AJAY KUMAR MITTAL, J. (Oral)

Civil Misc. No.14783 of 2016

Reply by way of an affidavit of Sh. Jaspreet Singh Kahlon,
District Controller, Bathinda, Department of Food, Civil Supplies and
Consumer Affairs, Punjab on behalf of respondents No.1 and 3 filed
along with the application is taken on record, subject to all just
exceptions. Office to tag the same at appropriate place.

CM stands disposed of.

Main Case

1. The petitioner has impugned the action of respondent
No.5 for blacklisting/debarring him vide order dated 18.10.2016
(**Annexure P-9**) by way of the instant writ petition filed under Articles
226/227 of the Constitution of India.

2. Learned counsel for the petitioner had submitted on October 26, 2016 that the impugned order of blacklisting (Annexure P-9) was passed without affording an opportunity of hearing to the petitioner and by passing a non-speaking order. The following order was passed by this Court on October 26, 2016:-

'Learned Senior counsel for the petitioner, inter alia, relies upon (i) Raghunath Thakur vs. State of Bihar and others, (1989) 1 SCC 229; (ii) M/s Southern Painters vs. Fertilizers and Chemicals Travancore Ltd. and another, AIR 1994 SC 1277; (iii) Grosons Pharmaceuticals (P) Ltd. vs. State of Uttar Pradesh, (2001) 8 SCC 604; (iv) M/s MSV International vs. HSRDC, 2012(4) RCR (Civil) 770; (v) Heera Lal vs. State of Punjab and others, 2013(4) PLR 321; (vi) Sukhdev Singh vs. State of Punjab and others, 2016(1) PLR 373; (vii) Gorkha Security Services vs. Govt. of NCT of Delhi and others, AIR 2014 SC 3371; (viii) Canara Bank vs. V.K. Awasthy, AIR 2005 SC 2090 and (ix) M/s Aglow Builders, Ludhiana vs. Municipal Corporation, Ludhiana and another passed in CWP No.9705 of 2016 decided on 03.10.2016, to contend that the petitioner has been blacklisted/debarred vide impugned order dated 18.10.2016 (Annexure P-9) without affording an opportunity of hearing and by passing a nonspeaking order.

Notice of motion to the respondents for 08.11.2016.

Notice regarding stay as well.

Process dasti only.'

3. In view of the reply filed on behalf of respondents No.1 and 3, Mr. Alok Jain, Addl. A.G., Punjab states that the impugned order dated 18.10.2016 (Annexure P-9) regarding blacklisting/debarring the petitioner may be set aside as neither it elaborates the reasons for blacklisting/debarring him nor the period has been specified. However, a prayer was made that liberty be

granted to the concerned respondent to pass a fresh order in accordance with law regarding blacklisting or debarring the petitioner after affording an opportunity of hearing to him and by passing a speaking order.

4. Accordingly, the petition is allowed and the order dated 18.10.2016 (Annexure P-9) is hereby set aside. However, liberty is granted to respondent No.3 to pass a fresh order in accordance with law after affording an opportunity of hearing to the petitioner and by passing a speaking order regarding blacklisting or debarring him on or before 31.12.2016. The petitioner shall appear before respondent No.3 on 01.12.2016 who shall proceed further in accordance with law.

(AJAY KUMAR MITTAL)
JUDGE

November 21, 2016
sonia gugnani

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No