

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP NO. 8114 OF 2016 (O&M)
DECIDED ON : 07.04.2017**

Balwinder Singh

...Petitioner

versus

State of Punjab and others

...Respondents

**CORAM : HON'BLE CHIEF JUSTICE S.J. VAZIFDAR
HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

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

Mr. Sukhdip Singh Brar, Additional Advocate General,
Punjab.

Mr. Ravi Singh, Advocate for
Mr. C. S. Bakshi, Advocate,
for respondents No.2 and 3.

S.J. VAZIFDAR, CHIEF JUSTICE (ORAL)

The only issue remaining in this writ petition relates to the respondents having blacklisted the petitioner. The petitioner also claims the payment in respect of the work done by him.

The respondents state that the petitioner has a remedy of filing an appeal. However, the order of blacklisting was passed without affording the petitioner even a reasonable opportunity of showing cause to the proposed blacklisting. The show cause notice is dated 22.04.2016 (Annexure P-4) and the impugned order, blacklisting the petitioner was passed on 23.04.2016, i.e within less than 24 hours. In the circumstances,

the petitioner must have an opportunity of dealing with the show cause notice on merits even before the Appellate Authority.

In these circumstances, the writ petition is disposed of by the following order :

The petitioner is at liberty to avail the alternative remedy of filing an appeal before the Appellate Authority and the Appellate Authority shall afford the petitioner an opportunity of replying to the show cause notice, on merits and also a personal hearing. Till the decision of the Appellate Authority and in the event of the decision being adverse to the petitioner, for a period of four weeks, thereafter service thereof upon the petitioner, the impugned order in so far as it blacklists the petitioner, shall remain stayed. The respondents shall consider the petitioner's application for payment of work already done by him in accordance with law.

(S.J. VAZIFDAR)
CHIEF JUSTICE

APRIL 07, 2017
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(ANUPINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned :	YES/NO
Whether reportable :	YES/NO