

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WP No.28227 of 2018

ORDER::

This writ petition is filed assailing the order dated 18-04-2018 whereby and whereunder the respondents placed the petitioner in black list/holiday list which debarred the petitioner from entering into any contracts with the respondents.

Learned counsel for the petitioner states that the impugned order is passed in utter violation of principles of natural justice, as no show cause notice is preceded before placing the petitioner in the black list/holiday list and passing the impugned order.

Sri Mayur Reddy, learned standing counsel for the respondents, on the other hand, submits that as per the guidelines framed by the respondents, no such procedure to issue a show cause notice is contemplated and as such, the impugned order is passed by following the guidelines framed in that behalf by the Department. It is also stated that since disputed questions of fact are involved, the petitioner can avail

the remedy of filing the appeal and be relegated to avail appeal remedy.

It is to be seen that the impugned order black listing the petitioner is admittedly not preceded by any show cause notice to put forth the case of the petitioner. *Audi alteram partem* (opportunity of hearing) is a rule of law and cannot be taken away, when rights of a person are affected. Though it is stated by learned standing counsel that such an action is taken under the guidelines framed by the Department, so far it relates to the extent of not giving opportunity of hearing have no legal sanctity and can be conveniently ignored; as such a guideline framed is in violation of principles of natural justice. In the result, the impugned order is set aside and the writ petition is allowed. However, this order will not preclude the respondents from taking action against the petitioner by following the due process of law, if so advised. As a sequel to the disposal of the writ petition, miscellaneous petitions if any pending shall also stand closed. There shall be no order as to costs.

A.RAJASHEKER REDDY, J

Dated: 10-08-2018

Note: cc today.

(b/o)

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DATED :: 10-08-2018