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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 11856/2018**

KANWAR SINGH YADAV Petitioner
Through Mr Kirti Uppal, Senior Advocate with
Mr M.M. Singh, Mr S.K. Pal, Mr Jitendra Kumar,
Advocates.

versus

ALL INDIA INSTITUTE OF MEDICAL
SCIENCE (AIIMS) & ANR. Respondents
Through Mr V.S.R. Krishna, Mr V. Shashank
Kumar, Advocates.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER
% **31.10.2018**

CM APPL. 45925/2018

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

W.P.(C) 11856/2018 & CM APPL. 45924/2018

3. Issue notice. The learned counsel for the respondents accepts notice. With the consent of the parties, the petition is taken up for final hearing.
4. The petitioner has filed the present petition, *inter alia*, impugning an order dated 30.10.2018 whereby the petitioner's service as a canteen contractor has been terminated with effect from 31.08.2018 and further the petitioner has been debarred from participating in any further tenders for a period of two years.

5. It is seen that the first show cause notice was issued to the petitioner on 03.08.2018 and the only allegation against the petitioner was that a foreign object had been found in one of the dishes served at the canteen. Thereafter, on 18.08.2018, the respondent sent another show cause notice and this time it was alleged that the petitioner had been overcharging from patients and their attendants.

6. The petitioner responded to this show cause notice disputing the aforesaid allegations and provided certain explanations.

7. It is seen that the impugned order does not reflect that the respondent has considered any of those explanations. The impugned order does not indicate any reason except to state that “*the petitioner has miserably failed to prove contrary to the charges*”. The impugned order is, thus, unsustainable.

8. It is noticed that the petitioner had, by a letter dated 18.10.2018, volunteered that he would vacate the premises within a period of thirty days. The petitioner is bound down to the said statement.

9. For the reasons as stated above, the impugned order is set aside. The respondent (concerned authority) would be at liberty to take a fresh decision after affording the petitioner a reasonable opportunity to be heard.

10. The petition is disposed of in the above terms. The pending application is also disposed of.

VIBHU BAKHRU, J

OCTOBER 31, 2018

pkv