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

+ LPA 797/2017

JAN CHETNA JAGRITI AVOM SHAIKSHANIK
MANCH

..... Appellant

Through: Mr. Sukumar Pattjoshi, Sr. Adv.
with Mr. K.B. Upadhyay, Mr. S.N.
Tripathi and Ms. Pallavi Rawat,
Advts.

Versus

GOVT OF NCT OF DELHI

..... Respondent

Through: Mr. Santosh Kr. Tripathi, ASC with
Mr. Shashank Tiwari, Adv. with
Mr. Ram Naresh, Sr. Asstt.,
Department of Women and Child
Development, GNCTD.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **25.09.2018**

Heard learned counsel for the parties at length.

During the course of hearing, learned counsel appearing for the appellant argued that appellant would be satisfied if, after having suffered the consequence of blacklisting order for a period of 2½ years, the same is withdrawn and the appellant is permitted to participate in future award of contract and work with the department.

In support of the aforesaid contention, learned counsel for the appellant invites our attention to the judgment of the Supreme Court in the case of ***Kulja Industries Ltd. v. Chief General Manager, Western Telecom Project, Bharat Sanchar Nigam Limited and Ors. 2014 (14) SCC Page 731*** and unreported judgment of the Supreme court in ***Civil Appeal no. 6632/2016***, to canvass that the period of blacklisting can now be curtailed in view of the aforesaid judgements.

Having heard the rival contentions of the learned counsel for the parties, we are of the considered view that there is no need to exercise our extraordinary jurisdiction under Article 226 of the Constitution of India and it would not be appropriate for us to interfere with the period of blacklisting, as liberty is available to the appellant to represent an appeal to the department concerned and it would be for the department to consider the question of blacklisting or curtailment thereof.

Counsel for the appellant, therefore, does not press the prayer with regard to challenge to the blacklisting order / termination order and instead confined it to withdrawal or curtailment of blacklisting order.

Accordingly, we direct that in case the appellant prefer a representation or appeal to the department concerned, requesting for

curtailment or withdrawal of the order of blacklisting in view of the consequences already suffered by the appellant for the period of 2½ years, respondents are directed to consider and decide the same by passing a speaking order within a period of one month from the date of filing of the representation/appeal.

In view of the above, the appeal stands disposed of.

CM. No. 46060/2017 (for stay)

Dismissed as infructuous.

CHIEF JUSTICE

V. KAMESWAR RAO, J

SEPTEMBER 25, 2018/jg