

THE HONOURABLE SRI JUSTICE A. RAJASHEKER REDDY

W.P.No.12548 and 12549 of 2019

COMMON ORDER

Since both these writ petitions are filed challenging the proceedings Rc.No.A/34/2019 dated 15.06.2019 issued by the 4th respondent blacklisting and debarring the petitioners from participating in any tenders taken up by the Telangana Social Welfare Residential Educational Institutions (TSWREIS), Nizamabad region, they are being disposed of by this common order.

2. Heard learned Counsel for the petitioners and learned Government Pleader for Social Welfare for respondents..

3. The case of the petitioners is that they are approved contractors for supply of food provisions to the TSWREIS at different places of Nizamabad region for the academic year 2018-19. However, the 5th respondent herein had earlier passed orders on 13.03.2019 blacklisting the petitioners from participating in the tenders and also forfeiting their EMDs. Challenging the same, the petitioners filed W.P.Nos.5890 and 5801 of 2019, wherein this Court, while allowing the writ petitions on 22.04.2019, set aside the orders dated 13.03.2019 granting liberty to the respondents to proceed against them in accordance with law for the alleged violation and breach of the contract. The grievance of the petitioners is that in spite of the orders of this Court and also without issuing any notice to them, the 4th respondent issued the impugned proceedings again

blacklisting and debarring them from participating in the tenders taken up by TSWREIS, Nizamabad region.

4. Learned counsel for the petitioners submits that in the earlier writ petitions, this Court had specifically held that without giving notice and opportunity to the petitioners, the 5th respondent has passed orders on 13.03.2019 in violation of the principles of natural justice and also without having jurisdiction. He further submits that again the 4th respondent, who is also not competent, has issued the impugned proceedings without giving any notice and opportunity of hearing to the petitioners. .

5. On the other hand, learned Government Pleader for Social Welfare appearing for the respondents submits that due to the irregularities committed by the petitioners for not supplying food to the Institutions, the impugned proceedings were issued and that there is no dispute that the Joint Collector-3rd respondent is the competent authority to issue such proceedings.

6. A reading of the impugned proceedings would show that the petitioners were blacklisted for violating the tender process and causing disturbance at the District Purchase Committee Meeting in finalization of material and service tenders and therefore, they were debarred from participating in any tenders. It appears that the said proceedings were issued without giving any notice and opportunity to the petitioners to put forth their case, which is in violation of the principles of natural justice. In the earlier writ petitions, this Court set aside the orders on the same grounds. Therefore, issuance of

similar proceedings by the 4th respondent from the same office would go to show that they have deliberately issued such proceedings without following the principles of natural justice. In these circumstances, the impugned proceedings are liable to be set aside and are accordingly set aside.

7. Both the Writ Petitions are allowed setting aside the orders impugned. No order as to costs.

8. Miscellaneous petitions, if any pending in these writ petitions, shall stand closed.

27th June, 2019

sj

A. RAJASHEKER REDDY, J

