

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

**CWP No.11484 of 2019
Date of Decision :02.05.2019**

M/s Sukhdev Singh & Company

.....Petitioner

Versus

State of Punjab and others

..... Respondents

**CORAM: HON'BLE MR.JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR.JUSTICE ARUN PALLI, JUDGE**

Present : Mr. R.S.Randhawa, Advocate for the petitioner.
Mr. Shireesh Gupta, Sr. DAG, Punjab.

KRISHNA MURARI, CHIEF JUSTICE (Oral):

By means of this petition filed under Article 226 of the Constitution of India, the petitioner seeks to challenge the order dated 29.04.2019, received by him on 30.04.2019, blacklisting him for two years i.e. 2019-2020 and 2020-2021. It is submitted that the blacklisting has been done on the allegation of non-supply of the requisite labour and inability to perform the contract.

Learned counsel for the petitioner submits that though a show cause notice was issued on 28.04.2019, to submit a reply by 29.04.2019, and 29.04.2019 itself the impugned order has been passed which is completely in violation of Clause 13(d) of the Punjab Labour and Cartage Policy 2019-20, which provides for an opportunity of hearing to the contractor before the District Tender Committee before passing an order of blacklisting.

Mr. Shireesh Gupta, Sr. DAG, Punjab, upon instructions from District Tender Committee, concedes to the factual position that no

opportunity of personal hearing was afforded to the petitioner before passing the impugned order.

In the wake of the above, the impugned order has been passed in utter violation of Clause 13(d) of the policy and is also in the teeth of the principle of natural justice, hence not liable to be sustained and is hereby set aside. The respondents are at liberty to pass a fresh orders in accordance with law after opportunity of hearing to the petitioner. At this stage, learned Senior, Deputy Advocate General, Punjab, states that the hearing would be afforded tomorrow itself in view of the urgency involved in the matter.

Learned counsel for the petitioner has no objection for personally appearing before the Tender Allotment Committee tomorrow at 10.00 A.M. sharp to put forward his view.

Accordingly, the writ petition stands disposed of, in the above terms.

Needless to say that the Tender Allotment committee after providing an opportunity of hearing to the petitioner shall pass a reasoned and speaking order in accordance with law.

A copy of this order be given dasti under the signature of Bench Secretary of this Court.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

02.05.2019

Manoj Bhutani

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No