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

+ **W.P.(C) 1415/2015 & CM Nos. 2481/2015 & 12605/2017**

M/S TRACK CARGO PVT. LTD.

..... Petitioner

Through: Mr Jitender Chaudhary, Advocate.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mrs Bharathi Raju, CGSC for
UOI/R-1 to R-3.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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19.03.2019

1. The petitioner has filed the present petition, *inter alia*, impugning an order dated 03.02.2015, addressed to all heads/directors of national labs/Institutions. The said impugned communication is set out below:-

“From
Joint Secretary (Admn.)

To,
All Heads/Directors of National Labs/Instt.

**Sub: Immediate Suspension of M/s Track
Cargo Pvt. Ltd. CHA.**

Sir,

It has been decided by competent authority that the business of M/s Track Cargo across CSIR has been immediately suspended until further orders for indulging in fraudulent practices.

Those laboratories/Instt. Who are under contract with M/s Track Cargo may adopt the contract of sister laboratories for the time being after terminating the contract with M/s Track Cargo.

Subsequently, no tender enquiry will be sent to M/s Track Cargo and no quotation is to be entertained of the above CHA.

(P.M. Verma)
Store Purchase Officer”

2. It is the petitioner’s grievance that the said communication has been issued without issuing any show cause notice to the petitioner and without affording the petitioner any opportunity of being heard. It is also stated that pursuant to the impugned communication, two of the laboratories have also suspended contracts entered into with the petitioner.
3. The learned counsel appearing for the respondents points out that after the impugned communication, the petitioner was also served with the show cause notice dated 09.02.2015. However, prior to submitting any response, the petitioner filed the present petition and obtained the interim order, has been in continuance for over three years.
4. It is well settled that the black listing an entity has serious and adverse consequences. Principles of natural justice demand that before any such action is taken, the concerned parties are given sufficient opportunity of meeting the allegations made against them.
5. In view of the above, this Court considers it apposite to direct the competent authority of the Council of Scientific and Industrial Research

(CSIR) to consider the petitioner's response to the show cause notice and take an informed decision after affording the petitioner an opportunity to be heard.

6. The petitioner is at liberty to file a detailed response to the show cause notice within a period of two weeks from today. The competent authority of the respondent shall consider the same and take an informed decision after hearing the petitioner, within a period of four weeks, thereafter.

7. Although the impugned order is an order of suspension but other laboratories have followed CSIR's advice and taken the precipitate action. In this view, the impugned order is suspended. It is clarified that the same would be subject to the final orders that may be passed by the competent authority. In other words, if the competent authority accepts the petitioner's contention and does not direct any punitive measure, the impugned order would stand quashed. However, if any adverse order is passed against the petitioner, the impugned order shall stand merged with the said order.

8. The petition is disposed of in the aforesaid terms. The pending applications also stand disposed of.

9. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

MARCH 19, 2019

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