

203 (Proceedings through V.C.)

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

**CWP-29128-2019 (O&M)
Date of Decision : 30.10.2020**

Oscar Security & Fire Service Petitioner
Versus
State of Haryana and others Respondents

**CORAM : HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE ASHOK KUMAR VERMA**

Present : Mr. Akshay Bhan, Senior Advocate with
Mr. Amandeep Singh Talwar, Advocate
for the petitioner.

Mr. Sandeep S.Mann, Addl. A.G., Haryana.

AUGUSTINE GEORGE MASIH, J. (Oral)

Challenge in this writ petition is to the order dated 18.09.2019 (Annexure P-48), passed by respondent No.2-Principal Secretary, Department of Women and Child Development, Government of Haryana on various grounds whereby, terminating the contract, the petitioner has been blacklisted, of which, the counsel for the petitioner contends, is not sustainable.

During the course of arguments, it transpires that as per the terms of contract dated 27.09.2018 (Annexure P-1), in case of termination of the contract and that too with blacklisting, as provided for in Clause 19 (vi), an opportunity of being heard in person is mandated to be afforded by the competent authority before passing an order to the effect of blacklisting.

Counsel for the petitioner on the basis of various documents as well as the pleadings has pointed out that this principle of natural justice stands violated which has been specifically provided for in the terms of

contract i.e. Service Agreement (Annexure P-1).

Counsel for the State has not been able to rebut the same and has received specific instructions from R.P.Singh, ADA, Department of Women and Child Development, Government of Haryana, to the effect that after the submission of alleged inquiry report, the same was neither communicated to the petitioner nor the Principal Secretary called the petitioner to appear in person nor any opportunity was given to explain his submissions with reference to the inquiry report which has been made the basis for termination of the contract followed by the blacklisting of the petitioner permanently.

In the light of the above admitted facts, it is apparent that Clause 19(vi) of the Service Agreement entered into between the parties, has been violated, further the principles of natural justice having been violated, the impugned order dated 18.09.2019 (Annexure P-48) cannot sustain and is hereby set aside.

The writ petition stands allowed in above terms.

In view of disposal of the main case, no orders are required to be passed in the pending civil miscellaneous applications, so the same also stand disposed of.

(AUGUSTINE GEORGE MASIH)
JUDGE

30.10.2020
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No