

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17357 of 2023

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M/s Chandel Traders through its proprietors namely Ashutosh Kumar Chandan, aged about 50 years, Male, S/o Brahma Nand Singh, R/o Andar, Near over bridge, Andar Dhala Ramnagar, P.S. and District- Siwan.

... .. Petitioner/s

Versus

1. The Food Corporation of India through the Executive Director, Food Corporation of India, New Delhi.
2. The General Manager (R), Food Corporation of India, Regional Office, Arunachal Bhawan, 3rd and 4th floor, Exhibition Road, Patna.
3. The Assistant General Manager (Contract), Food Corporation of India, Regional Office, Patna.
4. The Divisional Manager, Food Corporation of India, Divisional Office, Hajipur.
5. The Manager (Contract), Food Corporation of India, Divisional Office, Hajipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ranjeet Kumar Pandey, Advocate
For the Respondent/s	:	Mr. Prabhakar Tekriwal, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 13-12-2023 The writ petition challenges Annexure-1 order which terminated the work awarded to the petitioner and also black-listed him for 2 years. It is admitted that there was no show-cause notice issued before the termination order or the black-listing was carried out. Learned counsel appearing for the respondents though admitting to the above absence of the show-cause notice, points out that there was no security deposit made by the petitioner since he was a Micro, Small and Medium



Enterprises (for brevity 'MSME') and that there was a very low unrealistic quote made.

2. The learned counsel for the petitioner submits that the petitioner could not proceed with the work because of a medical condition and hence he could not even undertake continuation of the work since he even now suffers from that medical condition.

3. In any event, we are only concerned with the absence of a show-cause notice before termination and black-listing. We record that the learned counsel for the petitioner has categorically conceded that the petitioner does not challenge the termination order as such and he is only concerned with the black-listing. Hence, the direction to black-list the petitioner in the impugned order stands set aside only for reason of no notice having been issued. The impugned order insofar as the termination, is left un-touched.

4. For the purpose of black-listing, if the respondent-Department so desires, a show-cause notice shall be issued and proceedings shall be taken in accordance with the directions issued in *Ramanand Rai v. The State of Bihar through the Principal Secretary, Rural Works Department & Others* reported in *2021 4 PLJR 313*.



5. The writ petition is disposed of without any observation on the merits even on the termination or on the black-listing but we make it clear that the petitioner’s medical problems projected if substantiated, the Department shall give due weightage to that, while considering the black-listing made.

(K. Vinod Chandran, CJ)

(Rajiv Roy, J)

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