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19.02.2024
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 3478 of 2024

Sujit Kumar Chakraborty
Vs.
Union of India & Ors.

Mr. Bikash Ranjan Bhattacharyya, Ld. Sr. Adv.,
Ms. Santi Das,
Mr. R.D. Bhowmick

...for the petitioner

1. Despite service, none appears for the respondents.
2. It is seen that on the previous occasion as well, the respondents chose to abstain from the hearing.
3. Learned Senior Counsel appearing for the petitioner argues that on November 15, 2021, the respondent-authorities made a penal claim from the petitioner on an allegation pertaining to work done long back, that is, about a decade previously.
4. In order to avoid unnecessary controversy and since the petitioner has been working since thereafter with the Railway-authorities, the petitioner chose to make the payment with a demur.
5. However, subsequently, a notice threatening banning of business of the petitioner with the Railway-authorities was issued on February 14,

2022, annexed at page 74 of the writ petition. The same was accompanied by a memorandum of the allegations against the petitioner. The petitioner gave a detailed reply to the same on March 01, 2022, which is also annexed at page 77 of the writ petition.

6. However, without giving any opportunity of hearing to the petitioner on his representation, by a cryptic order dated February 01, 2024, the petitioner was debarred for a period of two years from participating in any tender or work given by the Railway-authorities. It is argued that the said order does not disclose any reason for such banning and/or reflect any consideration of the reply of the petitioner.

7. There is substance in the contention of the petitioner. It transpires that specific heads of offences were alleged against the petitioner in the memorandum and the show cause notice, to which a detailed reply was given by the petitioner in writing. However, without giving any opportunity of hearing to the petitioner to explain his representation and/or without adverting either to the reply of the petitioner or even to each of the offences alleged against the petitioner, the impugned cryptic order of debarment was passed.

8. Hence, the said order violates all norms and principles of natural justice and is required to be set aside.

9. Accordingly, W.P.A. No. 3478 of 2024 is allowed, thereby setting aside the impugned order of debarment of the petitioner dated February 01, 2024, annexed at page 85 (Annexure P-11) of the writ petition.

10. The respondents, however, shall be at liberty to give an opportunity of hearing to the petitioner on the show cause notice and the reply of the petitioner and, thereafter, by a reasoned order, shall take a decision on the same.

11. There will be no order as to costs.

12. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)