
(2008) 01 AHC CK 0189
In the Allahabad High Court

Maresh Pratap Singh

APPELLANT

Vs

Commissioner (Food and Civil Supply), Regional Food
Controller, Azamgarh Region and Regional Account Officer
(Food)

RESPONDENT

Date of Decision : 11-01-2008

Acts Referred:

Citation : (2008) 01 AHC CK 0189

Hon'ble Judges : V.M. Sahai, J; R.N. Misra, J

Bench : Division Bench

Final Decision : Allowed

Judgement

V.M. Sahai and R.N. Misra, JJ.—This writ petition has been filed by the petitioner for quashing the order dated 6.9.2002 (Annexure Nos. 3 and 4 to the writ petition) passed by respondent No. 2, the Regional Food Controller, Azamgarh, blacklisting him as government contractor. Further, a prayer has been made for quashing the order of the said authority for realisation of amount of Rs. 1,13,450/- only from him.

2 We have heard Shri W.H. Khan, learned Senior Counsel assisted by Shri Pradeep Kumar and Shri N.K. Singh for the petitioner and learned Standing Counsel for the respondents.

3. Admittedly, the petitioner was working as a government contractor in the Food Corporation, Azamgarh. He had to transport the cereals and sugars from the godown to the block level office. On 1.4.1998 and 26.4.1998, he carried two trucks of sugar from P.C.F. Godown weighing 100 quintal per truck. Some irregularities were pointed out by the Food Corporation Officer and penalty was levied against him along with the punishment of blacklisting. It has been alleged in the writ petition that no opportunity of hearing was given to him. The learned Standing Counsel has pointed out that notice (annexure-1) was given to the petitioner and after that he was blacklisted and recovery was ordered. But a plain perusal of annexure-1 shows that the said notice was not given to show-cause

regarding blacklisting, but only explanation was called regarding some irregularities alleged to have been committed by him in transportation of the sugar. The learned Counsel for the petitioner has pointed out a letter dated 19.12.1998 (annexure-5) written by Regional Accounts Officer (food), Azamgarh to Regional Food Controller, Azamgarh regarding the same matter. The contents of the letter show that this was in the form of recommendation. It appears that the said letter was written after departmental inquiry. From that letter it appears that whichever the irregularities were committed, for that Sri G.P.Singh, senior Marketing Inspector, Shri M.A. Ansari and Shri Komesch Chandra Gupta , the Marketing Inspectors were responsible for the same. They had received the sugar transported by the petitioner. There is nothing on the record that the sugar was not delivered to the authorities concerned or there was any shortage in the quantity or there was any change in the quality. Through that letter the Regional Accounts Officer suggested that loss occurred to the corporation could be realised from the said officers in the ratio of 60:40 respectively. The only charge against the petitioner was that he had not informed the authorities concerned regarding non-issuance of T.D. Slip and for that the warning was suggested.

4. In the case of M/s. Southern Painters Vs. Fertilizers and Chemicals Travancore Ltd. and another, the Hon"ble Apex Court has clearly opined that if any government contractor of the approved list is blacklisted, it is necessary that he must be given an opportunity to be heard. In the present case before us, it is evident that no notice was given to the petitioner for blacklisting him from the approved list of contractors.

5. In view of above, we are of the opinion that the writ petition has force and it is consequently allowed and the orders of the respondent No. 2 both dated 6.9.2002 (Annexure Nos. 3 and 4 to the writ petition) are set aside.