

SLP(C)No. 21676 OF 2003
ITEM No.31

Court No. 2

SECTION XI
A/N MATTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.21676/2003

(From the judgement and order dated 11/07/2003 in CMWP 13693/03
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

MAHENDER KUMAR GUPTA & ANR.

Petitioner (s)

VERSUS

SATENDER KR. TRIPATHI & ORS.

Respondent (s)

(With Appln(s). for permission to submit additional document(s))
(With prayer for interim relief)
With

SLP(C)No.21125/2003 (With prayer for interim relief)

Date : 05/05/2004 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.C. LAHOTI
HON'BLE MR. JUSTICE ASHOK BHAN

For Petitioner (s)Ms. Indu Malhotra, Adv.
Mr. Sunil Kr. Singh, Adv.
Mrs. Mukti Singh, Adv.
Dr. Kailash Chand, Adv.

For Respondent (s)Ms. Reena Singh, Adv.
Mr. Pramod Dayal, Adv.

Mr. S.K. Verma, Adv.

Mr. Anil Kumar Jha, Adv.

UPON hearing counsel the Court made the following

O R D E R

Though respondents No. 5 and 6 are reported to be not served but they are officials of the State and the counsel appearing for the State of Uttar Pradesh would represent them.
Leave granted.

The appeal is allowed to the extent that the direction of the High Court restraining the appellants from functioning as transport contractor of the department shall stand deleted in terms of the signed order placed on the file.

(Ajay Kr. Jain)
(Radha R. Bhatia)

Court Master
Court Master

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2004
(Arising out of SLP(C) No. 21676 of 2003)

Mahender Kumar Gupta & Anr.

....
Appellants

Versus

Satender Kr. Tripathi & Ors.

....

Respondents

WITH

CIVIL APPEAL NO. OF 2004

(Arising out of SLP(C) No. 21125 of 2003)

Mahendra Kumar Gupta

....

Appellant

Versus

Satendera Kumar Tripathi & Ors.

....

Respondents

O R D E R

Though respondents No. 5 and 6 are reported to be not served but they are officials of the State and the counsel appearing for the State of Uttar Pradesh would represent them.

Leave granted.

By the impugned judgment of the High Court the appellants have been excluded not only from participating in the contract in question which was being examined by the High Court but the High Court has made a further direction that the appellants shall remain restrained from functioning as transport contractors of the department. The High court has not limited the period of restraint which means that the appellants shall remain restrained from functioning as transport contractors of the department for all times to come. Such an order could not have been passed except after affording an opportunity of hearing to the appellants in this regard or by the department after putting the appellants on notice. The direction of the High Court by which the appellants are aggrieved amounts to blacklisting the appellants from carrying on the transport contractors business for all times so far as the State of Uttar Pradesh is concerned.

It is pointed out by the learned counsel for the appellants that the period of the contract which was being examined by the High Court stands already expired and the appellants have been excluded therefrom. That being the position, the appeal is allowed to the extent that the direction of the High Court restraining the appellants from functioning as transport contractor of the department shall stand deleted.

.....J.

(R.C. LAHOTI)

.....J.

(ASHOK BHAN)

New Delhi

May 05, 2004