

**HIGH COURT OF JAMMU AND KASHMIR
AT JAMMU**

(through video conference)

EMG-WP (C) No. 16/2020

EMG-CM No. 30/2020

EMG-CM No. 37/2020

M/s Dixon Engineering

.....Appellant/Petitioner(s)

Through :- Mr. Sachin Gupta, Advocate
(on video call from residence in Jammu)

V/s

Union of India and others

.....Respondent(s)

Through :- Mr. Vishal Sharma, ASGI
(on voice call from residence in Jammu)

Coram: HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

ORDER

13.05.2020

EMG-CM No. 37/2020

Through the medium of the present application, the applicant seeks permission of this Court to make table amendment in the cause title of the writ petition as well as in the memo of parties.

For the reasons stated in the application, the same is allowed as prayed for.

The Registry is directed to make necessary amendment in the cause title of the writ petition as per paragraph No. 4 of the application.

Application is disposed of accordingly.

EMG-WP (C) No. 16/2020

The petitioner claims to be a B-Class Contractor enlisted with the Military Engineering Services (MES) Department, Ministry of Defense. He further claims to have executed dozen of works of the Department to its almost satisfaction and at present he is involved in two contracts of the department having involved more than

two crores of rupees. The petitioner is aggrieved by the Communication No. 42594/WLR/701/E8 dated 13.02.2020, whereby he has been declared as not capable of handling the work due to slow work. The petitioner submits that no 'show cause notice' as envisaged under Clause 33.2 (b) (vii) of the MES Manual of Contracts has been served upon the petitioner before issuing the impugned communication, as such, he has been deprived of opportunity of being heard by the respondent Nos. 2 and 3.

Prima facie, it appears that no 'show cause notice' has been issued by the respondents to the petitioner before making any adverse remarks in Work Load Return for the quarter ending September, 2019.

Notice.

Mr. Vishal Sharma, ASGI accepts notice on behalf of the respondents and seeks time to file objections. Let the same be filed within four weeks.

List on 30th June, 2020.

EMG-CM No. 30/2020

Notice and appearance as above.

In the meantime, subject to objections and till the objections are considered, communication No. 42594/WLR/701/E8 dated 13.02.2020 shall stay.

(RAJNESH OSWAL)
JUDGE

Jammu
13.05.2020
Karam Chand