

Court No. - 7

Case :- WRIT - A No. - 7870 of 2023

Petitioner :- Smt. Sudha Bachheti

Respondent :- Executive Council U.P. State Warehousing Corporation
And 3 Others

Counsel for Petitioner :- Utkarsh Misra, Amandeep Singh

Counsel for Respondent :- Rakesh Kumar Chaudhary, Annuj Tandan

Hon'ble Abdul Moin, J.

1. Counter affidavit filed today is taken on record.
2. Learned counsel for the petitioner states that as only a short question is involved he does not intend to file any rejoinder affidavit.
3. The aforesaid statement is recorded.
4. Heard learned counsel for the petitioner and Shri Annuj Tandan, learned counsel for all the respondents.
5. With the consent of learned counsel appearing for the contesting parties, the writ petition is being finally decided.
6. The short question which arises in the instant writ petition is that aggrieved against the punishment order which has been imposed against the petitioner dated 18.04.2023 the petitioner has preferred an appeal on 25.05.2023, a copy of which is annexure 3 to the petition. However the appellate authority vide the order impugned dated 22.08.2023, a copy of which is annexure 1 to the petition, simply indicated that in the appeal no new grounds or evidence have been led by the petitioner and has rejected the appeal.
7. The legal argument advanced by learned counsel for the petitioner is that once various grounds were taken in the appeal filed by the petitioner consequently it was the duty of the appellate authority to have gone through the said grounds and to

have passed an order after considering the said grounds and rejecting the appeal in a cursory manner, as has been done by the appellate authority, is not countenanced in any view of the matter.

8. Perusal of the order impugned dated 22.08.2023 would indicate that the appellate authority, while considering and deciding the appeal of the petitioner, has simply indicated that the petitioner has revisited those grounds which have already been considered by the inquiry officer. No discussion is forthcoming upon the grounds which have been raised by the petitioner in his appeal. The shortcut method adopted by the appellate authority cannot be countenanced in any manner.

9. It goes without saying that reasons are the soul of an order.

10. Hon'ble Supreme Court in the case of **Mahabir Prasad Santosh Kumar v. State of U.P. and others**, AIR 1970 SC 1302 has held that recording of reasons in support of a decision on a disputed claim by quasi judicial authority ensures that a decision is reached according to law and is not the result of caprice, whims and fancies or reached on grounds of policy or expediency.

11. Likewise Hon'ble Supreme Court in the case of **Siemens Engineering & Manufacturing Co. of India Ltd**, AIR 1976 SC 1785 has held that every quasi judicial order must be supported by reasons.

12. Keeping in view the aforesaid proposition of law as enunciated by Hon'ble Supreme Court as well as the lack of reasons as emerge from perusal of the appellate order, the writ petition is **partly allowed**.

13. The order impugned dated 22.08.2023, a copy of which is

annexure 1 to the petition, is set aside. The appellate authority is required to pass a fresh order on the appeal of the petitioner keeping in view the discussion made above.

14. Let such an order be passed within a period of six weeks from the date of receipt of a certified copy of this order.

Order Date :- 15.12.2023
J.K. Dinkar