

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No.12551 of 2007

Date of Decision:-12.01.2015

Daljit Singh Sandhu

.....Petitioner

Versus

The Punjab Gramin Bank and another

.....Respondents

**CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL.
HON'BLE MR. JUSTICE DEEPAK SIBAL**

Present:- Mr. S.S. Salar, Advocate
for the petitioner.

Mr. A.S. Gagrha, Advocate for
Mr. P.K. Dutt, Advocate
for respondents.

SATISH KUMAR MITTAL, J.(Oral)

In the instant writ petition, the petitioner has prayed for quashing of the order dated 8.9.2004 passed by the respondent-Bank whereby major penalty of reduction to the lower grade i.e. from Officer Scale-II to Officer Scale-1 has been awarded to the petitioner. He has also challenged the order dated 19.9.2006 whereby the appeal filed by him against the aforesaid order was dismissed.

At the time of notice of motion a contention was raised by learned counsel for the petitioner that the order dated 19.9.2006 passed by the Appellate Authority was a non-speaking order and hence not sustainable.

Earlier the writ petition was allowed vide order dated

September 19, 2008 and the impugned orders dated 8.9.2004 and 19.9.2006 were quashed on the ground that before imposing the major penalty a procedural lapse had incurred as the delinquent employee was not furnished a copy of the inquiry report along with the provisional opinion of the authority before imposing penalty on him. Subsequently, vide order dated 14.10.2011 on a review application (R.A. No. 109 of 2011) filed by the respondent-Bank, the said order was recalled on the ground that in fact copy of inquiry report was furnished to the delinquent employee and a wrong fact was mentioned in the said order and the writ petition was ordered to be listed for hearing.

Learned counsel for the petitioner submits that the petitioner confines his prayer only to the extent that the order passed by the Appellate Authority is non-speaking order and the same may be quashed and the matter be remanded back again to the Appellate Authority for passing a speaking order.

We have heard learned counsel for the parties and have gone through the case.

A perusal of the order dated 19.9.2006 which has been passed by the Appellate Authority affirming the order of the Punishing Authority reveals that the said order is non-speaking order and therefore is unsustainable in law. This factual position is not disputed by learned counsel for the respondent. Therefore, in view of the said undisputed factual and legal position, partly allowing this writ petition, the order dated 19.9.2006 passed by the Appellate

Authority is hereby quashed and the matter is remanded back to the Appellate Authority for passing a speaking order in accordance with law after hearing the parties, within a period of two months from the receipt of a certified copy of this order.

**(SATISH KUMAR MITTAL)
JUDGE**

12.01.2015
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**(DEEPAK SIBAL)
JUDGE**