

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 18604 of 2008(O&M)
Date of decision: 05.10.2015

SAILESH RANJAN
2015.10.06 10:15
I attest to the accuracy and
integrity of this document

Kushal Chand Singla

....Petitioner(s)

Versus

State of Punjab & others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr.Raman Kumar Sharma, Advocate, for the petitioner.

Mr.H.S.Sethi, Addl.A.G., Punjab.

Mr.Pawan Kumar, Advocate, for respondents No.3 to 8.

G.S.SANDHAWALIA, J. (Oral)

Challenge in the present writ petition is to the order dated 28.08.2008 (Annexure P19), whereby a totally non-speaking order has been passed by respondent No.2, rejecting the representation of the petitioner.

The petitioner is seeking the relief of promotion from the date when his immediate junior-respondent No.3 was promoted and has prayed for the relief of consideration for promotion to one of the 3 posts of Senior Assistant. The impugned order reads as under:

“Yours representations dated 13.8.2007, 20.9.2007 and 29.9.2007 on the subject cited above have been considered by the competent authority and rejected.

This is for your information.”

It is settled principle that the order should contain reasons so that the adjudicating authority can test it. The order impugned suffers from a grave legal infirmity as it is patently non-speaking and is, accordingly, quashed.

Counsel for the petitioner has his apprehension as the petitioner is to superannuate in June, 2016 and decision making will be delayed.

In such circumstances, respondent No.2 is directed to decide the representations of the petitioner, afresh, within a period of one month, from the date of receipt of a certified copy of this order. Needless to say that the order shall contain reasons if the relief is to be denied. In case the petitioner is liable for the said relief, the same will be granted to him, within a period of a month, thereafter.

With the above direction, the present writ petition stands disposed of.

05.10.2015
sailesh

(G.S. SANDHAWALIA)
JUDGE