

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

Civil Writ Petition No.13199 of 2015
Date of Decision: July 06, 2015

Chiranji Lal

...Petitioner

Versus

The State of Haryana & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr.P.L.Verma, Advocate,
for the petitioner.

AMIT RAWAL, J. (Oral)

Learned counsel appearing for the petitioner submits that the impugned order dated 21.5.2015 (Annexure P-7) is totally non-speaking, though it is passed by the Deputy Commissioner of Police, Hqrs., Faridabad.

Notice of motion.

On the asking of Court, Mr.Rajneesh Chadwal, DAG, Haryana accepts notice on behalf of the State.

Learned counsel for the petitioner submits that the petitioner had duly replied the show cause notice dated 27.4.2015 (Annexure P-1) vide reply dated 12.5.2015 (Annexure P-2), but, however, the contents of the reply have not been taken into of while passing the impugned order.

The impugned order reads thus:-

“ESI Charanji Lal No.145/GGN was promoted to the rank of ESI WEF 1-11-2011 by this office order No.273-77 dated 6.1.2012. But as per his service record, he was not eligible for promotion as such because he was awarded punishment of Censure in the year 2006 for demanding bribe. A show cause notice to withdraw his promotion order as ESI was issued to him on 27-4-2015. Reply submitted by him on 18-5-2015 has been rejected being devoid of merit.

Keeping in view the above and Govt.instruction, promotion orders as ESI in r/o ESI Chiranji Lal No.145/GGN issued by this office order No.273-77 dated 6-1-2012 are hereby withdrawn. Orders be booked accordingly.

Sd/-

Dy.Commissioner of Police,

Hqrs.Faridabad 21-5-15

No.17299-303 dated 21-5-2015”.

It is strange that the Officer of such a rank has passed a sketchy and mechanical order. Time and again, this Court has observed that while dealing with the statutory appeals and revisions, the concerned authorities shall pass the speaking order.

On perusal of the contents of the order, it is evident that there is no application of mind, much less, no cogent explanation has been given while passing the impugned order. Accordingly, the order dated 21.5.2015 (Annexure P-7) is set-aside. However, liberty is given to the respondents to pass a fresh order after giving opportunity of hearing to the petitioner, much less, in accordance with law.

In order to defray the litigation expenses, I deem it appropriate to impose a costs of ₹20,000/- to be recovered from the Deputy Commissioner of Police, Hqrs. Faridabad for passing such a sketchy and

mechanical order.

With the aforementioned observations, the writ petition is
disposed of.

July 06, 2015
ramesh

(AMIT RAWAL)
JUDGE