

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

CWP-23240-2013

Date of Decision: 09.07.2015

EHC Mustaq Ahmed

...Petitioner

Versus

State of Haryana & ors.

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL.

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

Present: Mr. J.S. Hooda, Advocate for the petitioner.

Mr. Rajneesh Chadwal, DAG, Haryana.

AMIT RAWAL, J. (ORAL)

Challenge in the present petition is to the orders dated 15.12.2010 (Annexure P-2) and 11.05.2011 (Annexure P-3), disposal of the appeal and revision petition, respectively filed by the petitioner against the order of Punishing Authority, whereby punishment of withholding of two increments with cumulative effect has been upheld.

Mr. J.S. Hooda, learned counsel appearing on behalf of the petitioner submits that against order dated 20.11.2009 (Annexure P-1), petitioner had filed the statutory appeal as per the Punjab Police Rules as applicable to State of Haryana and the Appellate Authority i.e. Inspector

General of Police South Range, Rewari has dismissed the appeal without assigning any reasons, much less, cogent reasons and the revision petition filed against the appeal has been dismissed.

I have gone through the operative part of the orders passed in appeal and in revision, which are to be read thus as under:-

"Before disposing of the appeal, I have also heard the appellant in person on 25.10.2010. The appellant was asked to explain his allegation against the Enquiry Officer being biased, however he did not say anything to support his plea. He did not have anything more to add to what he has already stated during the departmental enquiry and in his appeal. In view of above, I do not find any mitigating circumstances to further interfere with the order of the Punishing Authority. I, therefore, reject the appeal of appellant EHC Mustak Ahmed No.153/PWL.

A copy of this order be supplied to the appellant free of cost."

"I have carefully gone through the appeal file, departmental enquiry file and other relevant documents. The departmental enquiry has been held as per procedure laid down in PPR and does not suffer from any legal infirmity. Various pleas raised by the revisionist are without any substance. The appellate authority has rightly rejected his appeal. The punishment awarded to the revisionist is commensurate with the misconduct committed by him. Keeping in view the above facts, I find no mitigating circumstances to interfere with the orders of the Punishing/Appellate authorities. I, therefore, reject the revision petition of EHC Mustaq Ahmed No.153/PWL being devoid of merit.

A copy of this order be supplied to the revisionist EHC Mustaq Ahmed No.153/PWL, free of cost."

On perusal of the aforementioned observation, there is no manner of doubt that order has not been passed in accordance with law, much less, no reasons, or no cogent reasons have been assigned. Even the point of determination raised in the grounds of appeal & revision have not been dealt with.

Accordingly, the aforementioned orders are set aside.

The matter is remitted back to the Appellate Authority i.e. Inspector General of Police South Range, Rewari to decide the appeal. Therefore, in essence the appeal is restored to its original number.

It is directed that respondent shall decide the appeal in accordance with law by passing a well-reasoned and speaking order after giving an opportunity of hearing to the petitioner, within a period of three months from the date of receipt of certified copy of this order.

Accordingly, writ petition stands allowed.

July 09, 2015
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(AMIT RAWAL)
JUDGE