

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

CWP No.23855 of 2013
Date of decision : 30.04.2015

Jai Narain

...Petitioner

Versus

State of Haryana and others

...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. Arun Singal, Advocate
for the petitioner.

Mr. Keshav Gupta, AAG, Haryana.

Mr. Kanwal Goyal, Advocate
for the respondent No.5-HPSC.

AMIT RAWAL, J. (Oral)

Mr. Kanwal Goyal, Advocate has put in appearance on behalf of respondent No.5-HPSC and submits that no relief has been sought against the order, therefore, name of the HPSC be deleted from the array/memo of parties.

Ordered accordingly.

Mr. Keshav Gupta, AAG, Haryana submits that reply filed by respondent Nos.1 to 3 be treated as written statement filed by respondent No.4 also.

The petitioner has challenged the impugned order dated 18/19.03.2013 (Annexure P-8), whereby penalty of 25% cut in the pension has been imposed.

Mr. Arun Singal, learned counsel appearing on behalf of petitioner contends that petitioner was charge-sheeted under Rule 7 of the (Punishment & Appeals) Rules, 1987 and, thereafter, punishment of 50% cut in pension was imposed by the Assistant Enquiry Officer and, thereafter, matter was remanded back and impugned order dated 18/19.03.2013 (Annexure P-8) has been passed. He further contends that order (Annexure P-8) is mechanical, non-speaking and bias and has been passed without giving any reasoning.

Mr. Keshav Gupta, learned counsel appearing on behalf of State submits that the order is legal and justified.

I have heard learned counsel for the parties and have gone through the order dated 18/19.03.2013. For the sake of brevity, the operative part of the order is extracted hereinbelow:-

"I have carefully perused the findings of the Inquiry Officer and the detailed replies etc. of Shri Jai Narayan and have also carefully considered his submissions during the personal hearing today. After carefully going through the facts of the matter I could not persuade myself to agree to the submissions of Shri Jai Narayan to the effect that he had no fault and that he could not detect the fraud being committed in the treasury. However, taking a lenient view and also keeping in mind the fact that in the same situation Shri Vishwa Mohan was awarded the penalty of 25% cut in his pension. I order the 25% cut in pension of the delinquent Shri Jai

Narayan."

From the perusal of the operative part of the impugned order, it is evident that the Competent Authority i.e. Principal Secretary to Government Haryana, Finance Department has not considered the points of determination as raised by the petitioner, nor any reasons, much less, cogent reasons have been given. The order is sketchy, much less, mechanical.

I deem it appropriate to set aside the order dated 18/19.03.2013 and remanded back the matter to the Principal Secretary to Government Haryana, Finance Department to pass a fresh order in accordance with law.

It is expected that Principal Secretary to Government Haryana, Finance Department shall pass a well-reasoned order after giving the opportunity of hearing to the petitioner, much less, in accordance with law.

With the aforementioned observation, the order dated 18/19.03.2013 (Annexure P-8) is hereby quashed.

The present writ petition is accordingly, allowed.

30.04.2015

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**(AMIT RAWAL)
JUDGE**