

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

CWP No. 7319 of 2013

Date of decision: 15.10.2015

Sukhpal Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Sameer Sachdeva, Advocate
for the petitioner.

Ms. Monica Chhibber Sharma, DAG, Punjab.

Mr. Saurabh Arora, Advocate for respondent No. 2.

LISA GILL, J.(ORAL)

Prayer in this writ petition is for quashing the impugned order dated 5.11.2012, Annexure P-5 passed by respondent No. 2 as well as order dated 1.2.2013, Annexure P-7, passed by the Secretary to Government of Punjab, Department of Agriculture.

Learned counsel for the petitioner vehemently argues that order dated 1.2.2013 reflects clear non-application of mind. Impugned order which has been passed in limine is a totally cryptic and non-speaking order.

None of the grounds of the appeal raised by the petitioner have been considered by competent authority while deciding Revision Petition No. 5/97/2012-M-3(PA) filed by the petitioner.

Order dated 1.2.2013 reads as under:-

“The present revision petition has been filed by the appellant under Section 15 of the Punjab State Agriculture

Marketing Board (Punishment and Appeal) Rules, 1988 against the order dated 05.11.2012 passed by the Punjab Mandi Board vide which one annual increment of the appellant was stopped with cumulative effect.

I have heard the learned counsel for the petitioner and gone through the case carefully and found that the order dated 05.11.2012 is perfectly legal as the charges leveled against the petitioner were duly proved by the Enquiry Officer. I have found no infirmity or illegality in the order, as such the petition is dismissed in limine.”

Perusal of impugned order dated 1.2.2013 clearly reflects that none of the grounds raised by the petitioner have even been adverted to much less considered. Punishment in question had been imposed upon the petitioner vide order dated 5.11.2012, Annexure P-5. Once an appeal is preferred by an employee, it is expected that the same would be decided judiciously after taking into consideration the entire facts and circumstances of the case. It is apparent that the Secretary to Government Punjab has passed impugned order dated 1.2.2013 in a lackadaisical manner. It is totally in non-speaking and unjustified in the facts and circumstances of the case.

In this view of the matter, impugned order dated 1.2.2013 passed by Secretary to Government of Punjab, Department of Agriculture is set aside. Present writ petition is disposed of with a direction to appellate authority to decide the appeal preferred by the petitioner under Section 15 of the Punjab State Agricultural Marketing Board(Punishment and Appeal) Rules, 1988 Annexure P-6 by passing a speaking order in accordance with law, after giving proper opportunity of hearing to the petitioner and

consideration of the record expeditiously, preferably within a period of four months from the date of receipt of certified copy of this order.

It is clarified that there is no expression of any opinion on the merit of the petitioner's claim.

October 15, 2015

Poonam (II)

(LISA GILL)
JUDGE