

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.18469 of 2014

Date of Decision: 12.01.2016

Punjab Agro Industries Corporation
Limited

... Petitioner

Versus

Appellate Authority-cum-Chairman, Punjab
Agro Industries Corporation Limited
and another

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Anupam Singla, Advocate,
for the petitioner.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.

1. The challenge in this petition is to the impugned order passed by the Appellate Authority-cum-Chairman of the Punjab Agro Industries Corporation against minor punishment inflicted on the 2nd respondent pursuant to the charge-sheet and domestic inquiry conducted in which the charge was proven.

2. Notice in this case was issued on September 06, 2014 and service was duly effected on Respondent-2. This position has been recorded in the interim order dated March 19, 2015. No one has appeared for the respondent thereafter. None appears today for him. Consequently, he is

proceeded *ex parte*.

3. Heard arguments of learned counsel for the petitioner. He draws attention to the office order dated April 15, 2014 passed by the Appellate Authority (P-6) where the only consideration which has taken place in the case of respondent-Rakesh Kumar is as follows:-

“Sh. Rakesh Kumar, Manager was heard on 04.03.2014 with regard to the appeal filed by him. After careful consideration of the records and personal hearing of the employee, I am of the considered view that the onus is not on the part of the employee, therefore, both increments of Sh. Rakesh Kumar, Manager are hereby restored with immediate effect and he is also warned to be careful in future.”

4. The rest of the order is a narration of previous facts on the history of charges of misconduct levelled against several officials including the Managing Director of the Corporation and respondent No.2 who was then working as a Manager with the Corporation. A reading of the order and particularly the operative part leaves no manner of doubt that the Appellate Authority has not applied its mind at all and has restored two increments stopped without cumulative effect vide order dated January 13, 2014 on mere *ipse dixit* on the facile reasoning that the “onus was not on the part of the employee”. What is meant by this utterance remains a mystery on the record. In any case, the reason is completely extraneous and irrelevant to the consideration of an appeal against a punishment order. The well reasoned order imposing the minor punishment has been set aside without any rhyme or reason. This Court is not in a position to discern the process of reasoning in the impugned order and, therefore, it is not possible to either review it or to sustain the order.

5. For the foregoing reasons, the petition is allowed and the appellate order is quashed. The punishment is restored.

(RAJIV NARAIN RAINA)
JUDGE

12.01.2016
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