

CWP-14467-2013

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

CWP-14467-2013 (O&M)
Date of Decision : 06.03.2017

SHASHI KANT

..... Petitioner

Versus

STATE OF HARYANA AND ANOTHER

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Rajbir Sehrawat, Advocate
for the petitioner.

Ms. Shruti Jain Goyal, AAG, Haryana.

AJAY TEWARI, J. (Oral)

By this petition the petitioner has challenged the order of removing him from service. The petitioner was appointed as Clerk on ex-gratia basis w.e.f. 28.01.1998 in ITI, Panipat. He was first charge sheeted for unauthorized absence in 2005. During that enquiry he was again charge sheeted for unauthorized absence in 2006. In both the enquiries he was held guilty and the competent authority awarded the punishment of stoppage of two increments with cumulative effect from 22.08.2008. The third charge sheet followed for willful absence in the year 2006. This time the punishment was slightly enhanced and one increment was stopped with immediate effect 20.12.2008. Again the very next year the petitioner was unauthorized absent from 04.09.2009 to 3.10.2010 and was again found guilty. On this occasion, he was removed from service by the impugned order dated 22.04.2011 which is annexed as Annexure P-3. He filed an

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appeal before respondent No.1 but it was heard in the absence of the petitioner on 11.01.2012 and appeal was rejected by order dated 01.02.2012. Learned counsel has argued that the order rejecting appeal is completely non-speaking. I find this indeed so. The order is quoted below. The order is one line order in which no reason has been mentioned at all.

“Reference you letter No. Admn.-I/AA-3/142/538 dated 19.08.2011 on the subject cited above.

2. The appeal of Sh. Shashi Kant, Ex-Clerk has been considered by the Govt. and decided to file the same. Shri Shashi Kant, Ex-Clerk may be informed accordingly”.

Order is ex-facie improper and illegal.

In the circumstances, I set aside the impugned order and direct respondent No.1 to re-decide the appeal filed by the petitioner within a period of 3 months in accordance with law by passing a speaking order after giving him opportunity of hearing. The petitioner is directed to appear before respondent No.1 on 05.4.2017.

Since the main case has been decided, the pending Civil Misc. Application, if any, also stands disposed of.

06.03. 2017
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No