

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

CWP No. 22064 of 2014

Date of decision: 23.01.2017

Dr. Bhupinider Pal Singh Gill

...Petitioner

Versus

State of Punjab & another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Vikas Singh, Advocate,
for the petitioner.

Mr. B.M. Vinayhak, DAG, Punjab.

JAISHREE THAKUR, J.

Petitioner Dr. Bhupinder Pal Singh Gill was posted as Senior Medical Officer at Primary Health Center, Kauhrian in District Sangrur in the year 2010. He was issued a charge sheet with regard to certain incidents having taken place at Kauhrian. The said charge sheet was issued under Section 10 of the Punjab Civil Services Punishment and Appeal Rules, 1970. A detailed reply was given to the said charge sheet on 09.11.2010. Since the matter was kept pending even after affording the petitioner personal hearing, the petitioner filed CWP No. 12410 of 2012 before this Court and the said writ petition was disposed of on 05.07.2012 with a direction to the respondents to take a final decision in the matter within a period of three months.

The matter was decided and by an order dated 15.01.2013, a penalty of censure and recovery of ₹ 4459/- was imposed upon the

petitioner. Aggrieved against the order of punishment, the petitioner filed an appeal dated 18.02.2013 and the said appeal has been dismissed vide order dated 11.04.2013. Aggrieved against the said order, the instant writ petition has been filed.

Learned counsel for the petitioner contends that the Appellate Authority did not grant any personal hearing to the petitioner and proceeded to dismiss the appeal. It is further contended that after the receipt of the order dated 11.04.2013, a legal notice dated 25.08.2014 was sent to the respondents asking for the copy of the detailed order passed by the Appellate Authority to him. However, to date the respondents have not furnished him the copy of the detailed order.

It is further argued that the Statutory Appeal filed has been disposed of by passing a non-speaking and cryptic impugned order and the same deserves to be set aside being in violation of the settled principle of law as laid down by the Hon'ble Supreme Court in ***S. Ramanathan Versus The Chief Judicial Magistrate, Chengalpattu 2002 (10) SCC 473 and Ram Chander Versus Union of India and Others 1986(3) SCC 103.*** Reliance is also placed on the judgment of this Court passed in case ***Om Parkash and another Versus Government of India and others 2004 (5) PLR 340 as well as the Hon'ble Bombay High Court in case Anil Amrut Atre Versus District and Sessions Judge and another 2003(1) SLR 423.*** He, thus, submits that the order needs to be remanded back to the Appellate Authority.

Per contra, learned counsel appearing on behalf of the respondents-State submits that the appeal has been decided under the

provisions as laid down under the Punjab Civil Services Punishment and Appeal Rules, 1970.

I have heard learned counsel for the parties and on perusal of the order dated 11.04.2013, it is apparent that no reasons, whatsoever, have been given by the Appellate Authority in dismissing the appeal. It is well settled, the Appellate Authority is under an obligation to give cogent reasons for its decision which admittedly is lacking in the instant case. Therefore, the impugned order dated 11.04.2013 is unsustainable in the eyes of law. Accordingly, the writ petition is allowed. The impugned order dated 11.04.2013 is hereby set aside with a direction that the Appellate Authority after giving due opportunity to the petitioner to present his case, decide the appeal as expeditiously as possibly, preferably within a period of two months on receipt of certified copy of this order since the petitioner is to superannuate in March, 2017.

23.01.2017

Satyawan

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes.
No.