

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

CWP No. 4931 of 2018 (O&M)
Date of Decision: 11.09.2018

M/S ORIENTAL VENEER PRODUCTS LTD. *Petitioner*
V/s.

***THE GENERAL MANAGER, RAIL COACH FACTORY, KAPURTHALA
AND OTHERS****Respondents*

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN.

Present: Mr. M.S. Sachdeva, Advocate
for the petitioner.

Mr. Puneet Jindal, Senior Advocate, with
Mr. Varun Goyal, Advocate,
for the respondents.

RAKESH KUMAR JAIN, J. (Oral)

This petition is directed against the order dated 09.01.2018 passed by respondent No. 2, by which an appeal, purported to have been filed by the petitioner, has been dismissed.

The petitioner had earlier approached this Court by way of CWP No. 25037 of 2017 to challenge the order dated 30.05.2017 by which the petitioner was de-listed. It was found by this Court that there is a provision of an appeal under Rule 4.5 of the internal Rules. Accordingly, the writ petition was dismissed vide order dated 10.11.2017 as not maintainable but liberty was given to the petitioner to avail remedy of appeal. The delay in filing the appeal was also condoned by the Court. Accordingly, petitioner had filed the appeal which is annexed as Annexure P-13, however, the said appeal has been disposed of vide order dated 09.01.2018 by passing the impugned order in which no reason has been assigned except that the appeal of the petitioner has been examined.

Though the petitioner has raised various issues in this petition but this Court is at present concerned with the order passed in appeal which is found to be totally non-speaking.

Learned counsel for the respondents has submitted that Rule 4.5 is relating to Research Designs and Standards Organization (RDSO) and RDSO regulations do not apply to this case.

I have heard learned counsel for the parties and after examining the record, am of the considered opinion that once the appeal has been filed and entertained by the respondents, *dehors* the arguments raised before the Court by learned counsel for the respondents, it was incumbent upon them to pass the speaking order. Even otherwise, the matter pertaining to sampling etc., which is purely a technical issue, cannot be decided by this Court as it does not have any expertise to decide about the inferior steel having been used by the petitioner in the retention tanks which are used for supply of water to the toilets in the Coach/train. Thus, in my considered opinion impugned order is totally illegal and the same deserves to be set aside.

In view of the aforesaid, present petition is hereby allowed and the matter is remanded back to the appellate authority/Superior Authority to decide the appeal by taking into consideration the various issues raised by the petitioner in the grounds of appeal and pass a speaking order.

The petitioner is directed to appear before the appellate authority/Superior Authority on 24.09.2018, who is further directed to decide the appeal of the petitioner expeditiously by passing a speaking order.

September 11, 2018

Ess Kay

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking / reasoned :

✓
Yes / No

Whether Reportable :

Yes / No