

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

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Civil Writ Petition No.1498 of 2020 (O&M)
Date of Decision: August 18th, 2020

Jasbir Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Aman Pal, Advocate
for the applicant-petitioner.

Ms. Kirti Singh, Deputy Advocate General, Haryana.

Mr. Parminder Singh, Advocate
for applicant (in CM No.2291-CWP of 2020).

(PROCEEDINGS THROUGH V.C.)

AUGUSTINE GEORGE MASIH, J. (ORAL)

CM-2291-CWP-2020

Prayer in this application is for impleading the applicant as respondent No.8.

Notice of this application was sent to the counsel for the non-applicant/petitioner and other respondents.

Counsel for the non-applicant/petitioner states that he has no objection to the prayer made in the application.

In the light of the above, the present application is allowed.

Applicant-Jaswinder Singh son of Roshan Lal, resident of Village Dhanora Jagir, Tehsil Indri, District Karnal, is impleaded as respondent No.8.

Amended memo of parties appended along with the application is taken on record.

Registry is directed to place the same at appropriate stage of the case.

CWP No.1498 of 2020

Petitioner has approached this Court praying for quashing of the orders, which have been passed by the respondents dismissing the petitioner from the post of Sarpanch.

During the course of hearing of the case, it transpires and it has been primarily argued by the counsel for the petitioner, placing reliance upon the various judgments, which have been passed by this Court, to contend that the orders which have been passed by the authorities, are non-speaking orders. Referring to the order dated 10.12.2019 (Annexure P-16) passed by the Principal Secretary to the Government of Haryana, Development and Panchayats Department, in an appeal, which has been preferred by the petitioner challenging the order dated 14.11.2019 passed by the Deputy Commissioner, Karnal, whereby the petitioner was removed from the post of Sarpanch, he contends that the Appellate Authority has not dealt with the grounds, which have been taken by the petitioner, while deciding the appeal. The order being a non-speaking order cannot sustain and deserves to be set aside.

Counsel for the State as well as the private respondent have tried to explain, on the basis of the records, the justification as is being sought to be projected in the order dated 10.12.2019 (Annexure P-16).

These contentions as raised by the counsel for the respondents are unacceptable as perusal of the order dated 10.12.2019 passed by the Appellate Authority would show that nothing has been dealt with as far as the grounds, which have been taken in the appeal. This being the first appeal, the Appellate Authority is mandated to deal the same both on facts and the statutory provisions. The same has not been done in the present case.

That apart, the impugned order dated 10.12.2019 (Annexure P-16) being a

non-speaking order cannot sustain and, therefore, deserves to be set aside.

In the light of the above, order dated 10.12.2019 (Annexure P-16) passed by the Principal Secretary to Government of Haryana, Development and Panchayats Department, is hereby set aside.

Direction is issued to the Appellate Authority to reconsider the appeal of the petitioner and pass a speaking order after giving hearing to the petitioner as well as the complainant.

Parties are directed to appear before the Appellate Authority on 25.08.2020 at 10:00 AM.

The details are not being referred to in the order lest the Appellate Authority is influenced in any manner while dealing with the appeal.

The writ petition is allowed in above terms.

August 18th, 2020
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No