

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

**CWP-8513-2020 (O&M)  
Date of Decision:23.06.2020**

Jagatbir Singh

... Petitioner

Versus

Punjab & Sind Bank & others

... Respondents

**CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.**

Present:- Mr. H.C. Arora, Advocate for the petitioner.

....

**TEJINDER SINGH DHINDSA, J. (ORAL).**

Matter has been taken up through Video Conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Petitioner, who was serving on the post of Chief Manager under the Punjab and Sind Bank retired on 31.05.2015 upon attaining the age of superannuation.

Instant writ petition has been filed assailing the order dated 06.04.2019 (Annexure P-11) passed by the General Manager (HRD) imposing a penalty of “withholding pension to the extent of Rs.5000/- per month for a period of 120 months”. Further challenge is to the order dated 07.01.2020 (Annexure P-17) whereby the appeal preferred by the petitioner stands rejected.

Having heard counsel for the petitioner at length and having perused the pleadings on record, this Court is of the considered view that the legality of the order dated 06.04.2019 (Annexure P-11) passed by the Disciplinary Authority need not be gone into at this stage. Such view is

being taken for the reason that the facts of the present case make out a case for remand to the Appellate Authority for reconsideration.

Averments made in the petition would show that the impugned order of imposing penalty of withholding pension of the petitioner to the extent of Rs.5000/- per month over a period of 120 months was passed pursuant to a departmental inquiry having been held. The petitioner against the order of penalty preferred an appeal dated 23.04.2019 (Annexure P-12) under Regulation 17 of PSB Officer Employees (Discipline and Appeal) Regulation, 1981. A supplementary appeal dated 01.06.2019 (Annexure P-16) was also submitted.

Perusal of the appeal at Annexure P-12 as also the supplementary appeal at Annexure P-16 would reveal that the petitioner had raised a number of grounds/submissions. It would not be necessary to dilate upon the same in the present order. Suffice it to note that one of the grounds taken in the supplementary appeal dated 01.06.2019 (Annexure P-16) was that the mandate of Regulation 48 of the Punjab and Sind Bank (Employees) Bank Regulation, 1995 has not been followed inasmuch as the competent authority can order withholding or withdrawing pension or a part thereof whether permanently or for a specified period only after consultation with the Board of Directors. It had been asserted by the petitioner in the supplementary appeal that consultation with the Board of Directors had not been done prior to imposing the penalty. In other words, the petitioner while availing of the remedy of appeal was assailing the decision making process which led to imposition of the penalty as afore noticed. The appeal preferred by the petitioner has been dealt with and rejected in the following terms:

*“I, being Appellate Authority, have carefully considered the contentions raised in the Appeal by the Appellant and all the related records of the case. The appellant has not brought out any new/mitigating facts in his Appeal, which can be given any credence. The Appellant did not take all possible steps to protect the interest of the Bank. His acts of negligence and hasty manner of sanctioning the loans put huge funds of Bank at stake. The penalty awarded by Disciplinary Authority, GM (HRD) to the Appellant commensurate with the misconduct established against him and meets the ends of justice. Therefore, the Appeal made by the Appellant is hereby rejected. Ordered accordingly.”*

This Court would have no hesitation in observing that the order passed by the Appellate Authority dated 07.01.2020 (Annexure P-17) is a cryptic non-speaking order.

The question as regards reasons to be assigned by the Appellate Authority even while affirming an order passed by the Disciplinary Authority came up for consideration before the Apex Court in ***Chairman, Disciplinary Authority, Rani Lakshmi Bai Kshetriya Gramin Bank Vs. Jagdish Sharan Varshney & others, 2009 (5) SLR 512*** and it was observed as under:-

*“8. In the present case, since the appellate authority's order does not contain any reasons, it does not show any application of mind.*  
*9. The purpose of disclosure of reasons, as held by a Constitution Bench of this Court in the case of **S.N.Mukherjee vs. Union of India reported in (1990) 4 SCC 594**, is that people must have confidence in the judicial or quasi-judicial authorities.*  
*10. Unless reasons are disclosed, how can a person know whether the authority has applied its mind or not? Also, giving of reasons minimizes chances of arbitrariness. Hence, it is an essential requirement of the rule of law that some reasons, at least in brief,*

*must be disclosed in a judicial or quasi-judicial order, even if it is an order of affirmation.*

*No doubt, in **S.N. Mukherjee's case (supra)**, it has been observed (vide para 36) that:*

*"..The appellate or revisional authority, if it affirms such an order, need not give separate reasons if the appellate or revisional authority agrees with the reasons contained in the order under challenge."*

*11. The above observation, in our opinion, really means that the order of affirmance need not contain an elaborate reasoning as contained in the order of the original authority, but it cannot be understood to mean that even brief reasons need not be given in an order of affirmance. To take a contrary view would mean that appellate authorities can simply dismiss appeals by one line orders stating that they agree with the view of the lower authority."*

Perusal of the impugned order dated 07.01.2020 (Annexure P-17) passed by the Appellate Authority would clearly reveal that the submissions/grounds raised by the petitioner in the appeal/supplementary appeal have not even been adverted to much less dealt with. The impugned order passed by the Appellate Authority as such cannot sustain.

For the reasons recorded above, the present writ petition is partly allowed and the order dated 07.01.2020 (Annexure P-17) is set aside. The matter is remanded back for consideration afresh at the hands of the Appellate Authority and after taking into account all the submissions and contentions raised by the petitioner in the appeal/supplementary appeal dated 23.04.2019 and 01.06.2019. Let a final order upon reconsideration be passed within a period of 2 months from the date of receipt of a certified copy of this order. The petitioner shall also be afforded an opportunity of personal hearing. It is further directed that till date the passing of the order afresh at

the hands of the Appellate Authority, the impugned order dated 06.04.2019 imposing penalty at Annexure P-11 passed by the Disciplinary Authority shall not be given effect to.

Writ petition is disposed of in the aforesaid terms.

It is, however, clarified that this Court has not examined the issue on merits.

**23.06.2020**

*harjeet*

**(TEJINDER SINGH DHINDSA)  
JUDGE**

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|-----|----------------------------|--------|
| i)  | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable?        | Yes/No |