

CWP-1036-2016

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-1036-2016

Date of Decision: 6th March, 2020

Sukhminder Kaur

...Petitioner

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Inderjit Sharma, Advocate,
for the petitioner.

Mr. Mehardeep Singh, Addl. A.G., Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

On 19.01.2016, when the case was taken up for hearing,
following order was passed:-

“Inter-alia submits that the Appellate Authority has passed a non speaking order dated 11.8.2015 (Annexure P/5) without taking into consideration the fact that the average reports had not been communicated to the petitioner and therefore the same were liable to be ignored. The said argument was liable to be considered in appeal and thus on account of non application of mind, the appellate order is liable to be set aside.

Notice of motion for 11.7.2016.

Mr. Anshul Gupta, Assistant Advocate

General, Punjab accepts notice on behalf of respondents and prays for some time to file reply.

Let the needful be done before the next date.

Requisite copies of the writ petition be supplied to the counsel for the State during course of the day.”

On considering the submissions made by the learned counsel for the parties and on perusal of the pleadings and the records, especially the order dated 11.08.2015 (Annexure P-5), which has been passed by the Appellate Authority, the same cannot sustain as it is a non-speaking order and therefore, the same is hereby set aside.

Direction is issued to the Appellate Authority to consider the appeal of the petitioner on the basis of the grounds taken by the petitioner in her appeal. The said appeal be decided afresh within a period of eight weeks from today. Petitioner be given an opportunity of personal hearing by the Appellate Authority prior to passing of the final order.

The writ petition stands disposed of in above terms.

6th March, 2020
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No