

113
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.17170 of 2020
Date of decision: 15.10.2020

Suresh Kumar

.....Petitioner(s)

V/s.

State of Punjab and others

.....Respondent(s)

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Anoop Singla, Advocate, for the petitioner.

Mr. Navdeep Chhabra, Deputy Advocate General, Punjab.

Sanjay Kumar, J (Oral)

The petitioner, the Principal of the Government Senior Secondary School (Boys), Guruharsahai, District Ferozepur, was visited with the punishment of stoppage of one annual increment without cumulative effect, *vide* order dated 04.07.2019 passed by the Special Secretary, School Education, Department of Education, Government of Punjab. Aggrieved thereby, he preferred an appeal before the prescribed appellate authority, the Education Minister, Punjab.

However, by communication dated 16.07.2020, he was informed by the Superintendent of the Department of Education, Government of Punjab, that his appeal which was received under reference dated 07.05.2020 was being filed after consideration with the approval of the competent authority.

Needless to state, a statutory appeal is the remedy provided to the person aggrieved by the order passed by the primary authority. Such an appeal cannot be disposed of baldly and in this summary manner, without consideration on merits.

Due procedure requires the appellate authority to give an opportunity of hearing to the parties concerned and to pass a reasoned order. An appeal cannot be 'filed' treating it on par with a complaint. Disposal of an appeal requires proper consideration, reflected by way of a reasoned order.

The matter is accordingly remitted to the file of the appellate authority for consideration afresh of the petitioner's appeal on merits and in accordance with law. The petitioner shall be given an opportunity of hearing and the appellate authority shall thereafter pass an order recording reasons for the decision taken. This exercise shall be completed expeditiously and, preferably, within two months from the date of receipt of a copy of this order.

No order as to costs.

(SANJAY KUMAR)
JUDGE

15.10.2020

rakesh

whether speaking/non speaking

: Yes/no

whether reportable/non reportable

: Yes/no