

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-25696 of 2016

Date of decision: 02.03.2020

Jaspal Singh

.... Petitioner

versus

Punjab State Power Corporation Limited and others

... Respondents

CORAM:HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. H.S. Saini, Advocate
for the petitioners.

Mr. Puneet Bhandari, Advocate
for the respondents.

HARSIMRAN SINGH SETHI, J.

In the present writ petition, the challenge is to order of punishment dated 24.12.2014 (Annexure P/3) as well as order dated 12.04.2016 (Annexure P/5) passed by the Appellate authority.

Learned counsel for the petitioner states that for the same incident, for which the petitioner was imposed a punishment, one Baldev Singh was also imposed punishment and thereafter, his appeal was also rejected by the competent authority. Learned counsel for the petitioner further states that the appellate authority has passed the similar order in the case of Baldev Singh as in the case of the petitioner. This Court while deciding CWP No. 978 of 2017 titled as **Baldev Singh vs. Punjab State Power Corporation Limited and others** filed by the said Baldev Singh has set aside the order of the Appellate authority vide order dated 21.01.2020 on

the ground that the same is not a speaking order and a direction was issued to the Appellate authority to pass a fresh order after giving opportunity of hearing to the petitioner. Relevant paragraph of the judgement is as under:-

“The appeal preferred by the petitioner had been dealt with and rejected in the following terms :-

“Whereas the appeal case of the official was considered by the Whole Time Directors in their 179th meeting which was held on 09.03.2016 at Patiala and it has been decided as under :-

“The committee of Whole Time Directors after considering the details given in the agenda passed the following resolution :-

“RESOLVED THAT considering the charges leveled, comments of higher officers and report of Director Commercial given after personal hearing to the official, Committee of Whole Time Directors held responsible to Whereas, Sh.Baldev Singh U.D.C. In negligence of duty and no intimation was given to the higher officers regarding stealing of energy, hence appeal against O/o No.45/T-3 Dt.20.1.15 be and is hereby rejected.”

Therefore, P.S.P.C.Ltd., is hereby issues the orders to reject the appeal filed by Whereas, Sh.Baldev Singh U.D.C. against the Office order No.45 dated 20.1.2015.

This has been issued with the approval of Whole Time Directors.”

Suffice it to observe that the order passed by the Appellate Authority dated 12.04.2016 (Annexure P-7) is cryptic and nonspeaking. The question as regards reasons to be assigned by the Appellate Authority even while affirming the 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 12.04.2016 (Annexure P-7) passed by the Appellate Authority would clearly reveal that the submissions/grounds raised by the petitioner in the appeal have not been adverted to much less dealt with. The impugned order of the Appellate Authority as such cannot sustain.

For the reasons recorded above, present writ petition is partly allowed and the order dated 12.04.2016 (Annexure P-7) is set aside. 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 dated 07.04.2015. Let a final order upon reconsideration be passed within a period of two months from today and after affording to the petitioner an opportunity of personal hearing."

Learned counsel for the petitioner argues that the claim of the petitioner in the present writ petition qua order dated 12.04.2016 (Annexure P/5) passed by Appellate authority is identical to that of **Baldev Singh's case (supra)**.

Learned counsel for the respondents very fairly states that order passed by the appellate authority in the case of the petitioner is similar to that of Baldev Singh passed by the same authority which has been

reproduced in judgement itself.

That being so, the claim of the petitioner is covered by the judgement in **Baldev Singh's case (supra)**. Impugned order dated 12.04.2016 (Annexure P/5) passed by the Appellate authority is set aside. Appellate authority is directed to pass a fresh speaking order after affording an opportunity of hearing to the petitioner within a period of three months from the date of receipt of certified copy of this order.

Writ petition stands allowed in above terms.

(HARSIMRAN SINGH SETHI)
JUDGE

02.03.2020.
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| 1. | Whether speaking/non-speaking? | Yes/No |
| 2. | Whether reportable? | Yes/No |