

In the High Court of Punjab and Haryana at Chandigarh

(Proceedings conducted through Video Conference)

CWP No. 20672 of 2020

Date of Decision: 3.12.2020

Sukhpal Singh Gill

---Petitioner

versus

State of Punjab and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Deepak Nayar, Advocate
for the petitioner
Ms. Maloo Chahal, DAG, Punjab**

Rekha Mittal, J.

The precise grievance of the petitioner is that he has been placed under suspension, vide order dated 3.9.2020 (Annexure P-1), without assigning any reason.

Counsel for respondents would inform that there are allegations against the petitioner with regard to embezzlement of approximately Rs. 75,00,000/- and two criminal cases have been registered against him. However, she could not dispute that in the order of suspension, no reason has been assigned.

There can not be denial about settled position in law that every order passed by an administrative, quasi judicial or judicial authority must speak for itself in order to enable the superior authority examining the same to know the mind of authority who had passed the order containing civil/penal consequences. In the case at hand, the impugned order is bereft of any reasoning as to why the petitioner has been placed under suspension.

In the given circumstances, the order impugned can not be allowed to sustain for want of any reasoning, constituting foundation for placing the petitioner under suspension. This Court is well alive that order of suspension can not be treated as an order of punishment. That being so, the impugned order is set aside. However, the respondents would be at liberty to pass a fresh order placing the petitioner under suspension, in accordance with law. Nothing stated hereinbefore shall be construed as an expression of opinion on merits of the controversy.

(Rekha Mittal)
Judge

3.12.2020

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No