

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

134

Civil Writ Petition No.690 of 2020
Date of Decision: January 13th, 2020

Mukesh Kumar

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. R.K. Arora, Advocate
for the petitioner.

Ms. Monica Chhibber Sharma, Sr. Deputy Advocate General,
Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Learned counsel for the petitioner states that in the first departmental appeal, which has been provided under the Statutory Rules, when availed by the petitioner, the same has been rejected vide order dated 06.08.2019 (Annexure P-12) by the Director Public Instructions (Elementary Education), Punjab, without assigning any reason.

2. Learned counsel for the State asserts that since the competent authority on applying its mind has found that the punishment of removal is in accordance with law, the said order cannot be said to be unsustainable.

3. I have considered the submissions made by the counsel for the parties and keeping in view the fact that the present case relates to an appeal, which has been preferred by an employee under the statutory rules which happens to be the first appeal, the Appellate Authority is mandated and required to pass a speaking order dealing with the ground, which has been taken by the employee in the appeal. In the absence of there being consideration of the grounds as taken in the appeal nor there being any

reasons, the order so passed in the appeal cannot sustain.

4. In view of the above, the writ petition is allowed.

5. Impugned order dated 06.08.2019 (Annexure P-12) is hereby set aside.

6. Director Public Instructions (Elementary Education), Punjab, is directed to pass a fresh speaking order within a period of eight weeks from today in the appeal preferred by the petitioner.

January 13th, 2020

Puneet

(AUGUSTINE GEORGE MASIH)

JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No