

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

Sr. No.214

CWP No.9233 of 2020 (O&M)

DATE OF DECISION: January 12, 2021

GURKIRPAL SINGH RANDHAWA

..PETITIONER

VERSUS

PUNJAB STATE POWER CORPORATION LIMITED AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Ranjinder Singh Sidhu, Advocate, for the petitioner.

Mr. Vinod S. Bhardwaj, Advocate, for the respondents.

SUDHIR MITTAL, J. (ORAL)

CM-8748-2020

This application has been filed for placing on record written statement on behalf of respondents No.1 & 2.

The application is allowed and written statement on behalf of respondents No.1 & 2 is taken on record.

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The grievance of the petitioner is that once again the Appellate Authority has passed a non-speaking order.

2. The petitioner has been punished by imposition of major penalty of stoppage of two annual increments with cumulative effect. The order imposing penalty is dated 31.08.2017 (Annexure P-14) against which a statutory appeal was preferred but the same was rejected vide order dated 04.02.2019 (Annexure P-15). The appellate order was challenged vide CWP No.24269 of 2019 and the same was allowed vide order dated 04.09.2019

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(Annexure P-16) by observing that the appellate order was a non-speaking order. The Appellate Authority was directed to pass a fresh order after taking into consideration all the submissions made.

3. The Appellate Authority has now passed order dated 17.02.2020 (Annexure P-17), the operative part of which is as under:-

“Resolved that considering the gravity of the charges leveled, facts of the case, magnitude of punishment awarded, appeal of the officer against o/o dated 31.08.17 and o/o No.755 dt. 01.12.17 and views of Director/C given after personal hearing to the officer, the Committee found the officer guilty and the officer cannot be allowed to cross examine the complainant at this stage and there is no merit in submissions and contentions raised by him in his appeal, hence accepted partially to the extent that the suspension period of the officer from 18.04.14 to 15.06.16 is regularized as LOKD”.

4. Having heard learned counsel for the parties and having perused the record, I am of the opinion that the aforementioned order cannot be sustained in law. The operative part of the impugned order reproduced hereinabove does not fulfill the requirement of passing of a speaking order. The Appellate Authority is the Committee of whole time Directors of respondent No.1 and it needs no guidance regarding the requirements of a speaking order. Assuming, that the only argument raised was that the appellant was not permitted to cross-examine the witnesses during the inquiry, the Appellate Authority was required to consider the legal effect of this fact. It is not sufficient to observe that opportunity of cross-examination cannot be granted at this stage.

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5. Accordingly, the writ petition is allowed and impugned order dated 17.02.2020 (Annexure P-17) is quashed. The matter is again remitted to the Appellate Authority for deciding the appeal afresh after granting an opportunity of hearing to the writ petitioner. It is clarified that in case a non-speaking order is passed once again, the punishment imposed upon the petitioner would be liable to be quashed.

January 12, 2021
Ankur

(SUDHIR MITTAL)
JUDGE

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