

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205

CWP-17881-2020

Date of decision: 31.08.2021

Rajdeep Singh

.....Petitioner

versus

The Punjab Agro Industries Corporation and others

.....Respondents

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Tahaf Bains, Advocate
for the petitioner.

Mr. Karan Singla, Advocate
for the respondents.

(the aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual court on account of restrictions due to COVID 19)

GIRISH AGNIHOTRI, J. (Oral)

Petitioner-Rajdeep Singh, stated to be aged 30 years, has filed the present petition *inter alia* with a prayer for issuance of a writ in the nature of certiorari for quashing of the impugned order dated 01.09.2020 (Annexure P-13), issued by respondent No.4, vide which the review application filed by the petitioner, has been rejected.

Records of the case show that on 29.10.2020, this Court while issuing notice of motion, had passed the following order:-

“Case has been heard through video conferencing on account of COVID-19 Pandemic.

The petitioner has challenged the termination order dated 18.04.2018/27.04.2018 (Annexure P-6) passed by the appointing authority, on the ground that no show cause notice was issued and no departmental enquiry was conducted

before passing of the impugned order. Even the order dated 28.05.2020 (Annexure P-10) passed by the appellate authority and order dated 01.09.2020 (Annexure P-13) passed by the reviewing authority are also under challenge being passed in violation of the principle of audi alteram partem.

Notice of motion.

At this stage, Mr. Rujhan Dhawan, Advocate has appeared on behalf of Mr. Karan Singla, Advocate and accepted notice on behalf of the respondents. He has prayed for time to file written reply.

Adjourned to 01.12.2020.

Notice re: stay also for the date already fixed.”

In response thereto, Mr. Karan Singla, Advocate, had put in appearance on behalf of the respondents.

Today, on the resumed hearing of the case, learned counsel for the petitioner, by making reference to para 16 of the petition, submits that against the impugned order, the petitioner had filed an appeal dated 16.03.2020 before the Appellate Authority. In the said appeal, various grounds had been raised, but none of the grounds were considered and a non-speaking cryptic order was passed on 28.05.2020 by the Appellate Authority. He accordingly prays that the impugned order dated 28.05.2020 (Annexure P-10) is liable to be set aside. He then submits that respondent No.4 has further passed an order dated 01.09.2020 (Annexure P-13) in the Review Petition dated 23.07.2020 and the same has been rejected once again by passing a non-speaking order.

This Court had put it to the counsel Mr. Singla as to if, why the Appellate Authority has not taken into consideration all the pleas raised by the petitioner in his appeal. He defends the order on merit, but has not been able to dispute the factual position. Counsel further submits that he has instructions

from the respondents to make a statement that the Appellate Authority now shall go through all the grounds and pleas taken by the petitioner in the appeal and shall pass a considered speaking order.

In view of the above, the writ petition is disposed of with the following directions:-

- (i) The Appellate Authority is directed to examine and consider all the grounds taken by the petitioner in his appeal as well as Review Petition.
- (ii) The impugned orders at Annexures P-10 & P-13, are quashed in view of what has been observed above.
- (iii) The Appellate Authority is directed to consider the appeal afresh and pass a speaking order dealing with the pleas raised by the petitioner, as expeditiously as possible.

It is further clarified that in case, decision in the appeal goes in favour of the petitioner, the consequential benefits shall be further released to him within a further period of one month from the decision of the appeal.

Ordered accordingly.

(GIRISH AGNIHOTRI)
JUDGE

31.08.2021
anju rani

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