

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP-11174-2022

DATE OF DECISION: 23.05.2022

KRISHAN KUMAR

... Petitioner(s)

*Versus*

STATE OF HARYANA AND OTHERS

... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

Present: Mr. Raman Chawla, Advocate for the petitioner.

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**ANUPINDER SINGH GREWAL, J. (ORAL)**

Learned counsel for the petitioner submits that the petitioner, who is an ex-serviceman and has rendered about 17 years of service, has been imposed a punishment of stoppage of 3 increments without cumulative effect on the basis of an anonymous complaint. He further contends that his first appeal had been rejected by passing a non-speaking order (Annexure P-22). He had preferred second appeal which was dismissed by order dated 23.04.2019 (Annexure P-24) on the ground that only if the punishment is enhanced in the first appeal, the second appeal would be maintainable.

Issue notice to the respondents.

At the asking of the Court, Mr. Anant Kataria, DAG, Haryana accepts notice on behalf of the respondents.

Heard.

A perusal of the order passed by the appellate authority (Annexure P-22) indicates that the appeal of the petitioner had been dismissed by passing a non-speaking order. It has been merely held that the petitioner could not produce any convincing facts to defend the charges against him. The appellate authority is enjoined to decide an appeal of a delinquent

employee with due application of mind and recording reasons for its dismissal. The appeal cannot be dismissed by a cryptic and non-speaking order.

Consequently, the impugned orders (Annexure P-22 and P-24) are set aside. However, the appellate authority would be at liberty to pass a fresh speaking order after affording an opportunity of hearing to the petitioner.

The petition stands disposed of.

23.05.2022  
*SwarnjitS*

(ANUPINDER SINGH GREWAL)  
JUDGE

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|---------------------------|---|----------|
| Whether speaking/reasoned | : | Yes / No |
| Whether reportable        | : | Yes / No |