

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(288)

CWP-17455-2022

Date of Decision : August 24, 2022

Badal Singh

.. Petitioner

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. R.N. Lohan, Advocate, for the petitioner.

Mr. Sandeep Singh Mann, Additional Advocate General,
Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioner argues that the petitioner was imposed punishment on 07.07.2020 (Annexure P-10) against which, the petitioner had preferred an appeal and the said appeal has been rejected on 16.06.2022 (Annexure P-12) only by recording a statement that the Board did not find any merit in the appeal.

Learned counsel for the petitioner further submits that as per the settled principle of law, once an appeal has been preferred against the order of punishment, the appellate authority is under an obligation to pass a speaking order dealing with the contention raised in the appeal and the appeal cannot be dismissed summarily only by stating that there is no merit in the appeal. Learned counsel for the petitioner relies upon the judgment

in *Civil Appeal No.3615 of 2011 titled as U.P Avas Evam Vikas Parishad*

vs. Sheo Narain Kushwaha and others, decided on 25.04.2011.

As learned counsel for the respondents has not been able to convince this Court that the impugned order deciding appeal is a speaking order, learned counsel for the respondents very fairly submits that keeping in view the settled principle of law, which has been noticed hereinbefore, speaking order is to be passed while deciding the appeal so that the appellant should know as to what weighed within the mind of the authorities concerned while accepting/rejecting the claim of the appellant, hence, impugned order Annexure P-12 dated 16.06.2022 passed in appeal may kindly be treated as withdrawn with liberty to the authorities concerned to pass a fresh order on the appeal preferred by the petitioner in accordance with law.

Learned counsel for the petitioner submits that keeping in view the statement of the learned counsel for the respondents, no further grievance of the petitioner survives in the present petition but the respondents be directed to decide his appeal as expeditiously as possible.

Learned counsel for the respondents submits that appropriate order on the appeal will be passed by the competent authority within a period of eight weeks of the receipt of the copy of this order.

In view of the above, the present writ petition is disposed of.

August 24, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No