

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

(128)

CWP-18613-2022

Date of Decision : August 24, 2022

Sudarshan Kumar Rathee

.. Petitioner

Versus

**Chaudhary Charan Singh Haryana Agricultural University Hisar
and others**

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Puneet Gupta, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioner argues that the petitioner was imposed punishment on 01.01.2021 (Annexure P-5) against which, the petitioner had preferred an appeal to the Board of Management and the said appeal has been rejected on 27.05.2021 (Annexure P-7) only with the statement that the Board did not find any merit in the appeal.

Learned counsel for the petitioner submits that thereafter the petitioner approached the Chancellor against the said order and the said memorandum of the second appeal also met the same fate with the statement that the claim of the petitioner has been filed. 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. 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.***

Notice of motion.

Mr. Shreenath A. Khemka, Advocate, who is present in the Court, accepts notice on behalf of the respondents.

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 with the mind of the authorities concerned while accepting/rejecting the claim of the appellant, hence, impugned order Annexure P-7 dated 27.05.2021 as well as order Annexure P-9 dated 04.04.2022 may kindly be treated as withdrawn with liberty to the authorities concerned to pass a fresh order on the appeal preferred by the petitioner Annexure P-6 dated 10.02.2021 in accordance with law.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 afresh as expeditiously as possible.

Learned counsel for the respondents submits that appropriate order on the appeal Annexure P-6 dated 10.02.2021 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, as prayed for by learned counsel for the petitioner, the present writ petition is disposed of having been not pressed any further.

August 24, 2022

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No