

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

305

CWP-28923-2022

DATE OF DECISION: 19.12.2022

ANOOP SINGH

... Petitioner (s)

Versus

STATE OF HARYANA AND OTHERS

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. P.K. Chugh, Advocate
for the petitioner.

Mr. Anant Kataria, DAG, Haryana.

Mr. Padamkant Dwivedi, Advocate for respondents No.2 & 3.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner has challenged the order dated 21.04.2014 (Annexure P-5) whereby he has been imposed punishment of stoppage of two annual increments with cumulative effect and the order dated 29.04.2021 (Annexure P-6) whereby his appeal thereagainst has been dismissed.

Learned counsel for the petitioner submits that the appeal preferred by the petitioner against the order imposing punishment of stoppage of two increments with cumulative effect has been decided by a non-speaking and cryptic order.

Learned counsel for the respondents submit that the appellate authority had afforded opportunity of hearing to the petitioner and only thereafter the order was passed.

Heard.

The relevant extract of the order dated 29.04.2021 passed by the appellate authority is reproduced hereunder:

“The agenda item was considered and the appellant was heard by the Board. The Board decided to reject the appeal being devoid of merits.”

It is manifest that the Board has rejected the appeal of the petitioner by passing a non-speaking order. The Board was enjoined to furnish reasons as to why the appeal of the petitioner is being rejected. Merely hearing the petitioner would not suffice as a reasoned order had to be passed in appeal.

Consequently the petition is partly allowed and the impugned order passed by the appellate authority on 29.04.2021 (Annexure P-6) is set aside. The matter is remanded back to the appellate authority to decide the appeal afresh after affording an opportunity of hearing to the petitioner by passing a speaking order. The needful be done within a period of three months from now.

(ANUPINDER SINGH GREWAL)
JUDGE

19.12.2022

SwarnjitS

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