

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

127

CWP No.8974 of 2023(O&M)
Date of decision: 28.04.2023

Bachittar Singh

..Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Amit Arora, Advocate
for the petitioner.

Mr. Vishnav Gandhi, DAG, Punjab.

ANIL KSHETARPAL, J(Oral)

1. The limited grievance of the petitioner is against the dismissal of his statutory service appeal without recording any reason whatsoever. In fact, the Appellate Authority has ordered consignment of the file without passing any specific order. This is despite the directions of the High Court in a previous writ petition filed by the petitioner.

2. The learned counsel representing the State of Punjab does not dispute this fact.

3. To say the least, it is shocking. Once the rules enable the employee against whom some order of penalty is passed to file an appeal before the Appellate Authority, the same is required to be decided in accordance with law.

4. The order passed by the Appellate Authority is required to record reasons while analyzing the contentions put forth by the parties. Such order is in the nature of a quasi judicial order. It is reasonably expected that

the Presiding Officer will critically analyze the contentions put forth by the

parties, while giving his own reasons for accepting or rejecting the same. In the present case, a very senior IAS Officer is stated to be posted as the Principal Secretary, Department of Health and Family Welfare, Punjab.

5. Upon realizing the blunder committed by the Appellate Authority, the learned State counsel on instructions from Ms. Swati, Senior Assistant, Office of Director Health Services, has submitted that the Appellate Authority will pass a fresh order within a period of 15 days, from today, uninfluenced by the previous order after giving opportunity of hearing to the petitioner.

6. The Registry is directed to forward a copy of the order to the Chief Secretary, Punjab, for information.

7. All the pending miscellaneous applications, if any, are also disposed of.

April 28, 2023
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(ANIL KSHETARPAL)
JUDGE

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