

CWP-12092-2022 &
CWP-24466-2022

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. 2023:PHHC:149091

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

269 (02 cases)

CWP-12092-2022

Date of Decision :-22.11.2023

Rahul and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CWP-24466-2022

Jagdish Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Govind Ram, Advocate for
Mr. Harish Bhardwaj, Advocate the petitioner
in CWP-12092-2022.

Mr. Pardeep Kumar Sehrawat, Advocate
for the petitioner in CWP-24466-2022

Mr. Tapan Yadav, DAG, Haryana.

Mr. Namit Khurana, Advocate for respondent No.4 in
CWP-27466-2022 & for respondent No.6 in CWP-12092-2022.

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Harsimran Singh Sethi, J. (Oral)

1. In the present petitions, the grievance of the petitioners is that the respondents have denied the grant of sports gradation certificate to them by passing a totally cryptic and non-speaking order without giving any

reasons as to why the petitioners are not entitled for issuance of the said sports gradation certificate.

2. Learned counsel for the petitioners argues that no such condition which the petitioners do not fulfill for the grant of sports gradation certificate has been mentioned in the impugned orders hence, the same are liable to be set aside.

3. Learned State counsel submits that though, in the impugned orders, it has been mentioned that the petitioners are not entitled for the grant of sports gradation certificate but no specific rule/provision of the Sports Gradation Policy has been mentioned in the impugned orders so as to justify the non-grant of the said certificate to the petitioners hence, in case directed by this Court, a fresh appropriate order can be passed giving due reasons for accepting or rejecting the claim of the petitioners for issuance of sports gradation certificate.

4. I have heard learned counsel for the parties and have gone through the record with their able assistance.

5. The only question which arises is whether the impugned orders are speaking or cryptic. It is a settled principle of law that whenever an Executive order is passed, justification/reasons to arrive at a particular conclusion should be mentioned in the said order so that the employee concerned should know as to what weighed in the mind of the authorities to arrive at a particular conclusion so that he/she can avail an appropriate remedy under the law.

6. From the impugned orders, it is clear the same are cryptic as no reason citing any rule/provision of the Sports Gradation policy has been

mentioned as to why the petitioners are not entitled for issuance of sports gradation certificate. In the absence of same, the impugned orders cannot be upheld and the same are accordingly set aside. Respondents are directed to pass a fresh appropriate order considering the claim of the petitioners for the grant of sports gradation certificate under the Policy dated 25.05.2018. In case the petitioners are found entitled for the grant of sports gradation certificate, the same be accorded to them. Otherwise, due reasons for non-accepting the claim of the petitioners be mentioned in the speaking order, which will be passed by the respondents within a period of 08 weeks from the date of receipt of copy of this order. It is made clear that in case any order causing prejudice to the petitioners is passed, the petitioners are at liberty to avail an appropriate remedy in accordance with law for the redressal of the their grievance.

7. As the impugned orders are set aside, the provisional sports gradation certificate already issued to the petitioners keeping in view the interim order passed by a Coordinate Bench of this Court, the same will be allowed to remain in operation.

8. Present petitions stands disposed of in above terms.

9. Copy of this order be placed on the file of connected case.

November 22, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

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