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2023:PHHC:166119

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-15737-2021(O&M)

Date of decision:21.12.2023

RAJ KUMAR BISHNOI

.....PETITIONER

VERSUS

HARYANA STATE FEDERATION OF CONSUMERS CO-OPERATIVE
WHOLESALE STORES LIMITED AND ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

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

Mr.Rohan Khurana, Advocate for
Mr.Deepak Balyan, Advocate for the respondents.

SANDEEP MOUDGIL, J. (Oral)

CM No.20302 of 2023

Application under Section 151 of the Code of Civil Procedure for placing on record short replication alongwith annexure P-14 is allowed as prayed for.

CM Stands disposed of.

Main case

The impugned order dated 20.05.2019 whereby the appeal against order of punishment dated 07.09.2018 (Annexure P-9) has been dismissed by the Board of Directors as evident from the said impugned communication of General Manager by merely recording the proceedings of its Board of Administrator to the

following effect:-

“Sh.Raj Kumar Bishnoi, Ex-Accountant was heard in person. The Board after deliberation decided that there is no merit in the appeal and that in the enquiry report of Sh.V.G. Goel in this case, the charges were also proved against the official. Hence appeal is rejected.”

On the other hand Mr.Rohan Khurana, Advocate for Mr.Deepak Balyan, Advocate for the respondent could not explain the query of this Court as to what are the reasons recorded therein by the Board of Administrator and its findings as on what basis the allegations/ charges have been put against the petitioner.

Perusal of the aforesaid order and having heard counsel for the parties it is apparently clear that the Appellate Authority i.e. Board of Administrator has simply in two lines have dismissed the appeal preferred by the petitioner without any reason or recording of facts and its observations making to reach to the conclusion that appeals having no merit on it.

It is also informed to this Court that the Ex-Store Keeper Sh.Hanuman Singh was exonerated for the same period and on the identical set of allegations who was also charge sheeted along with the petitioner on the ground that loss caused to the federation was a result of heavy rain during the season 2009-2010 for which charge sheet was issued in October, 2012. The petitioner has also sought parity with Sh.Hanuman Singh, Ex-Store Keeper where indeed even this fact has not been considered by the Appellate Authority and even a reference to the said averment is not available in the impugned order.

In the light of above discussion and facts impugned order (Annexure P-12) is set aside with the direction to the respondent -Appellate Authority to decide the matter afresh after providing an opportunity of hearing and considering the evidence by passing a detailed speaking order within a period of two months from today.

In the aforesaid terms, present petition stands disposed of.

21.12.2023
raman

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether speaking/reasoned	Yes/No