

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

216

2023:PHHC:062987

CWP-24192-2017

Date of decision: 02.05.2023

LABH SINGH

..Petitioner

Versus

STATE OF PUNJAB AND ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. V.K. Sandhir, Advocate
for the petitioner.

Mr. D.K. Singal, Addl. A.G., Punjab.

ANIL KSHETARPAL, J(Oral)

1. Challenging the correctness of order dated 11.02.2016, which has been affirmed in appeal by the Secretary to the Government of Punjab vide order dated 10.09.2016, the petitioner has filed the present writ petition with a prayer to issue a writ of certiorari.
2. After having hearing the learned counsel representing the parties, this Court is of the opinion that the matter is required to be decided afresh.
3. In this case, Divisional Deputy Director Panchayat, Patiala, was nominated as a enquiry officer to hold the enquiry against the petitioner pursuant to a charge sheet dated 05.11.2014 issued under Section 8 of the Punjab Civil Services (Punishment and Appeal) Rules, 1970. The enquiry officer concluded that the department failed to prove charges against the petitioner. However, the disciplinary authority did not agree to the report of the enquiry officer and concluded as under:-

“3. Whereas the competent office while examining the record available on record, took the decision for stopping one annual increment of Sh. Labh Singh without future effect and decided that tenure of his suspension period

dated 16.09.2014 to 24.03.2015 to treat as leave of the kind due.”

4. A bare look at the order reveals that the disciplinary authority did not provide any justification for its disagreement with the enquiry report. Though, it is open to the disciplinary authority to pass the appropriate order in accordance with law even while disagreeing with the enquiry report, however, such a conclusion should be based on reasons and logic. The disciplinary authority is reasonably expected to analyze the facts, allegations, evidence and, thereafter, conclude while recording reasons for arriving at such conclusion.

5. The learned counsel representing the State of Punjab does not dispute that no reason whatsoever has been recorded by the disciplinary authority. Even on a reading of order passed by the Appellate Authority, it is evident that the Appellate Authority has also failed to record any substantive reason.

6. Left with no choice, this Court has set aside the order dated 11.02.2016, which was affirmed in appeal vide order dated 10.09.2016. The Court has directed the disciplinary authority to re-examine the matter again and provide an opportunity of hearing to the petitioner.

7. With these observations, the present petition is disposed of.

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

May 02nd, 2023

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**(ANIL KSHETARPAL)
JUDGE**

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