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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-8339-2021 (O&M)

Date of Decision: 29.02.2024

Mohinder Kumar Verma

....Petitioner(s)

Versus

Uttar Haryana Bijli Vitran Nigam Limited and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Saurabh Goel, Advocate, for the petitioner.

Mr. Udit Garg, Advocate, for the respondents.

JASGURPREET SINGH PURI, J. (Oral)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for quashing the order dated 09.01.2021 (Annexure P-9) and order dated 04.12.2019 (Annexure P-7) vide which penalty of stoppage of two increments with future effect has been imposed

2. Learned counsel appearing on behalf of the petitioner has *inter alia* argued that by way of punishment order Annexure P-7, the punishing authority has imposed a punishment of stoppage of two increments with future effect and against the aforesaid order of punishment, he had filed an appeal vide Annexure P-8 to the Appellate Authority. However, the Appellate Authority did not consider even a single ground taken in the appeal and rather has passed impugned order Annexure P-9 which would on

the face of it show that not even a single reason has been mentioned at all as to why the appeal was dismissed and there has been no consideration of the grounds of appeal and therefore, the aforesaid order on the face of it is liable to be dismissed. He submitted that at this stage he will be satisfied in case the aforesaid order of the Appellate Authority is set aside on the aforesaid ground and the case be remanded back to the Appellate Authority with a direction to the Appellate Authority to consider the grounds taken by the petitioner in the appeal and also the law on the subject. He also submitted that permission may be granted to the petitioner for filing of an additional ground so that the same may also be considered in accordance with law.

3. On the other hand, learned counsel appearing on behalf of the respondents stated that in view of the restricted prayer of the petitioner at this stage, he has no objection in case the aforesaid order of the Appellate Authority is set aside and case is remanded back to the Appellate Authority for fresh consideration and in accordance with law.

4. I have heard the learned counsel for the parties.

5. A perusal of Annexure P-9 would show that no reason at all has been mentioned while deciding the appeal.

6. In view of the above, the present petition is partly allowed. The impugned order dated 09.01.2021 (Annexure P-9) is hereby set aside. The matter is remanded back to the Appellate Authority with a direction to pass a fresh order on appeal in accordance with law and by taking into consideration the grounds which the petitioner have taken in the appeal and also any additional ground which the petitioner may take by filing a supplementary grounds of appeal. Needless to say that the petitioner or his

counsel shall be given an opportunity of hearing at the time of the consideration of the appeal. It is also made clear that the Appellate Authority shall apply its mind afresh and uninfluenced by the earlier order Annexure P-9 passed by him since the appeal was dismissed. The aforesaid decision shall be taken by the Appellate Authority within a period of three months from today.

29.02.2024

rakesh

(JASGURPREET SINGH PURI)

JUDGE

Whether speaking

:

Yes/No

Whether reportable

:

Yes/No