



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

206

CWP-5652-2022
Date of decision: 21.08.2024

Nafe Singh
Versus
State of Haryana and others
...Petitioner
...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Raj Kapoor Malik, Advocate
for the petitioner.
Ms. Vibha Tewari, AAG, Haryana.

AMAN CHAUDHARY, J. (Oral)

1. The present petition has been filed for setting aside the orders dated 12.02.2018, Annexure P-2 and 01.02.2022, Annexure P-4.
2. Learned counsel submits that the petitioner was appointed as conductor on 08.01.1990 and retired on 30.06.2018 after attaining the age of superannuation. He was granted 1st ACP after 10 years, however 2nd and 3rd to be granted after 20/28 years, which were not granted and order of rejection dated 12.02.2018, Annexure P-2, was passed on the premises that there were 9 annual increments that had been stopped temporarily and 2 with permanent effect, against which appeal, Annexure P-3, was preferred by him, wherein a specific reference in para 7 thereof was given with regard to the similarly situated conductors namely Om Parkash and Ram Kumar, whose increments had also been stopped more than those of the petitioner as also depicted in the information received under RTI dated 01.10.2019, Annexure P-8 but were granted the ACPs for the relevant years. However, the Appellate Authority while rejecting his appeal vide order dated 01.02.2022 has assigned no reason



and passed a non-speaking order. It is a specific case, even at the time when notice of motion was issued, the punishment of stoppage of 9 increments came to an end in the year 2010, whereas petitioner retired from service on 30.06.2018. He prays that the matter be reconsidered by the Appellate Authority in a time bound manner, taking into account the above facts.

3. Learned State counsel being unable to controvert the aforesaid facts, submits the State would not be averse to have a relook at the matter.

4. Heard learned counsel on either side.

5. It was observed in **Chairman, Disciplinary Authority, Rani Lakshmi Bai Kshetriya Gramin Bank vs. Jagdish Sharan Varshney and others**, (2009) 4 SCC 240, that the appellate order should disclose application of mind by giving some reasons, at least in brief. Furthermore, it was held that even though an order of affirmation need not contain as elaborate reasons as an order of reversal, but that does not mean that it need not mention any reasons whatsoever.

6. The order passed by the Appellate Authority in **Dev Kumar, Constable vs. State of Haryana**, 2014(1) S.C.T. 215, was set aside by this Court on the ground that not only due application of independent mind had been found to be missing, but the authority had also failed to record any reason, much less cogent, in support of its order.

7. Administrative authorities exercising judicial or quasi-judicial functions must record reasons for their decisions, to help prevent arbitrariness and ensure fairness in decision-making processes, as was observed by Hon'ble the Supreme Court in **National Highways Authority of India and others vs. Madhukar Kumar and others**, (2022) 14 SCC 22.



8. It is an established legal doctrine that while passing orders, even of affirmation, reasons are to be recorded by the judicial or quasi-judicial authority, to depict that it had applied its mind, which reduces the chances of arbitrariness. The appeal being a substantive right, it was imperative on part of the Appellate Authority to address all the issues raised therein and deliver a well self-contained, speaking and reasoned order. Such perspective comes in aid of this Court to adjudicate upon the matter with a comprehensive approach and also avoids the repetition of approaching the above institution.

9. In view of the aforesaid, the impugned orders dated 12.02.2018 and 01.02.2022, are set aside, directing the appellate authority to pass an order afresh, taking note of the pleas raised by the petitioner in appeal, within a period of 3 months, after affording an opportunity of hearing to him. It is clarified that nothing observed hereinabove shall be construed to be an expression of opinion on the merits of the case.

10. Disposed of.

(AMAN CHAUDHARY)
JUDGE

21.08.2024
Hemant

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