



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-5783-2022 (O&M)
Date of Decision:11.09.2024

Satish Kumar

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM:HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Vivek Sethi, Advocate for the petitioner.

Mr. Kapil Bansal, DAG, Haryana.

Mr. Arvind Seth, Advocate for respondents No.2 and 3.

JASGURPREET SINGH PURI J.(Oral)

1. The present 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/setting aside the charge sheet dated 06.11.2019 (Annexure P-1), punishment order dated 22.03.2021 (Annexure P-8) and order dated 24.11.2021 (Annexure P-11).

2. Learned counsel for the petitioner submitted that a punishment order has been passed against the petitioner vide Annexure P-8 which does not reflect any reason and similarly, the Appellate Authority has passed an order vide Annexure P-11 which also does not reflect any reason.

3. Learned counsel for the petitioner further submitted that the



aforesaid order passed by the Appellate Authority on the face of it, is a non-speaking order and at this stage, his prayer is limited to the extent that after setting aside the appellate order, a time bound direction may be issued to the Appellate Authority who has passed the impugned order (Annexure P-11) to decide afresh and the petitioner may also be heard by the Appellate Authority.

4. Learned State counsel as well as learned counsel appearing on behalf of respondents No.2 and 3 stated that they have no objection in case the appellate order is set aside and direction may be issued to the Appellate Authority to decide the appeal of the petitioner afresh within a time bound manner by passing a detailed reasoned order.

5. This Court has perused the order (Annexure P-11) passed by the Appellate Authority. A bare perusal of the same would show that the aforesaid impugned order (Annexure P-11) passed by the Appellate Authority is *ex-facie* unreasoned order. No reasoning has been given in the impugned order and, therefore, the same is *ipse dixit* of the officer who has passed the order. It is a settled law that whenever an order is to be passed by any administrative authority or quasi judicial authority, then it should be backed by reasons otherwise it cannot be held to be sustainable.

6. In view of the above, the present petition is partly allowed. The order (Annexure P-11) dated 24.11.2021 passed by the Appellate Authority is hereby set aside. The Appellate Authority is directed to pass an order afresh which should be a speaking order backed by reasons, after giving an opportunity of personal hearing to the petitioner or his counsel within a period of three months from today.



7 Needless to say, in case the petitioner is aggrieved by any order passed by the appellate authority, he shall be at liberty to approach this Court again by filing a fresh petition in accordance with law.

(JASGURPREET SINGH PURI)
JUDGE

11.09.2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No