

CWP-8384-2022

2024:PHHC:147717



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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Date of decision: 12.11.2024

Ex.Constable/GD Sanjay Kumar
.....Petitioner
Versus
Union of India and others
...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Anil Ghanghas, Advocate,
Mr. Abhishek Pahel, Advocate and
Mr. Sahib Singh, Advocate,
for the petitioner.

Mr. Shivoy Dhir, Sr. Panel Counsel,
for the UOI-respondents.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer in the present petition is for quashing the order dated 08.09.2018 (Annexure P-3), awarding the disproportionate punishment of dismissing the petitioner from service, and order dated 24.12.2018 (Anexure P-5) and 16.05.2019 (Annexure P-7) passed in the appeal and the revision, respectively, filed by him.
2. Learned counsel for the petitioner submits that he has unblemished service of 16 years with good ACRs and no disciplinary proceedings had ever been initiated against him. There is no overt act

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attributed to him in view of Sections 9, 10 and 11 of the CRPF Act, under which punishment has been awarded, which is also harsh. There being no evidence also against him, he filed the appeal alongwith certain documents, which have not been dealt with in a right perspective and the order dated 24.12.2018 (Annexure P-5) deciding the same lacks the reason for such decision.

3. Learned counsel for the respondents, on instructions from Mr. K.J.Pathak, (Law Officer), submits that the Appellate Authority would not be averse to having a relook at the matter.

4. Documenting the reasons behind the decision enhances the integrity of the decision-making process by promoting transparency, fairness, and accountability. A speaking order eliminates arbitrariness and enables the affected parties to understand the rationale behind the decision of an Administrative authority, providing a strong foundation for review. Furthermore, a brief/single line, non-speaking order rejecting the claim of the petitioner, rendered without taking into account the relevant facts and circumstances, has been held to be in breach of the principles of Natural Justice by this Court in **Ashok Kumar vs. State of Haryana and Others¹**.

5. As a fall out of the above and in the interest of justice, the case is remanded for decision afresh at the hands of the Appellate Authority after taking note of the pleas raised in appeal and affording an opportunity of hearing to the petitioner, within a period of 03 months.

¹ 2002 SCC OnLine P&H 1450

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6. It is clarified that nothing observed hereinabove shall be construed to be an expression of opinion on the merits of the case.

7. Disposed of.

12.11.2024

parveen kumar

(AMAN CHAUDHARY)
JUDGE

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