

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-7269-2024
Date of decision : 01.04.2024

Kulwant Singh

... Petitioner

Versus

Minister Incharge, Department of Water Resources-cum-Appellate
Authority and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.P.S. Khurana, Advocate
for the petitioner.

Mr.T.P.S. Walia, AAG, Punjab.

VIKAS BAHL, J.(ORAL)

1. This is a civil writ petition filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari quashing the impugned order dated 21.02.2024 (Annexure P-1) passed by the Appellate Authority-respondent no.1 and the impugned order dated 06.12.2023 (Annexure P-2) passed by respondent no.3 whereby the petitioner has been dismissed from service while serving on the post of Zildar as per Rule (ix) of the Punjab Civil Services (Punishment and Appeal) Rules, 1970 read with Rule 9 of the Punjab Department of Water Resources (Technical Service) Subordinate Officers, Group B Service Rules, 2023.

2. Learned counsel for the petitioner has submitted that the petitioner had filed a statutory appeal under Rule 15 of the Punjab Civil Services (Punishment and Appeal Rules), 1970 read with Rule 8 of the

Punjab Department of Water Resources (Technical Service) Subordinate Offices, Group 'B' Rules, 2023 against the order dated 06.12.2023, relieving the petitioner from service. Learned counsel for the petitioner has referred to the memo of appeal (Annexure P-8) to show that several points were raised by the petitioner in the said appeal. It is submitted that the said appeal has been dismissed by passing a two line cryptic order dated 21.02.2024, the relevant portion of which has been highlighted and has been reproduced hereinbelow:-

“In reference to the subjected cited above, it is hereby written that appeal which was filed by Shri Kulwant Singh, Zildar (dismissed) before Hon'ble Minister of Water Resources Minister (appellate authority) and after granting an opportunity of hearing, this appeal stands dismissed.”

3. Learned counsel for the petitioner has relied upon the judgment of the Hon'ble Supreme Court of India in the case of ***Bolin Chetia vs. Jogadish Bhuyan & Ors.*** reported as ***2005(6) SCC 81*** to contend that since an appeal gives a valuable statutory right to the appellant, the appellate Court/authority must record the questions posed and argued and reasons for its disagreement. It is submitted that on the said short ground alone, the impugned order dated 21.02.2024, which is cryptic and non-speaking, deserves to be set aside and the matter deserves to be remanded to the competent authority to decide the appeal after passing a speaking order, in accordance with law.

4. Learned State counsel has submitted that the statutory appeal of the petitioner would be re-considered by the competent authority and a speaking order on the same would be passed within a period of two months from the date of receipt of the certified copy of the present order.

5. Keeping in view the above said facts and circumstances, the

present petition is partly allowed and the order dated 21.02.2024 is set aside and the competent authority of respondent no.1 is directed to re-consider and re-decide the statutory appeal (Annexure P-8) filed by the petitioner, in accordance with law, after passing a speaking order and after granting an opportunity of hearing to the petitioner, as expeditiously as possible, preferably within a period of two months from the date of the receipt of the certified copy of the present order.

(VIKAS BAHL)
JUDGE

April 01, 2024
Davinder Kumar

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