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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

228

CWP-9567-2020(O&M)
Date of Decision:09.07.2024.

Anubhuti Vyas

.....Petitioner

Versus

The Managing Director, Haryana Vidyut Parsaran Nigam Limited and ors

.....Respondents

CORAM:HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. P.K. Chauhan, Advocate for the petitioner.

Mr. Vikram Singh, Advocate for respondents.

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 setting aside the order dated 13.05.2015 (Annexure P-7) whereby the suspension period has only been regularized for the purpose of continuity of services and for setting aside the order dated 23.12.2016 (Annexure P-9) whereby the request of the petitioner for regularizing the suspension period was declined by passing a non-speaking order by respondent/competent authority.

2. Learned counsel for the petitioner submitted that the petitioner was suspended from service only because of the pendency of an FIR against him in which he was ultimately acquitted. He further

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submitted that the petitioner made a representation to respondent No.3 for regularization of the suspension period and the same has been rejected vide order dated 13.05.2015 (Annexure P-7) by respondent No.3-Superintending Engineer/Admn.-II, HVPNL, Panchkula without even assigning a single reason.

3. He further submitted that again a representation dated 09.09.2016 vide Annexure P-8 was made by the petitioner to respondent No.3 against the aforesaid order dated 13.05.2015 (Annexure P-7) and the same was also rejected on 23.12.2016 vide Annexure P-9 without giving any reason.

4. On the other hand, learned counsel for respondents submitted that the petitioner was not entitled for regularization of the suspension period because he was not honourably acquitted and was instead acquitted because he was given the benefit of doubt.

5. I have heard learned counsels for the parties.

6. The short point involved in the present case is as to whether the orders dated 13.05.2015 (Anexure P-7) and 23.12.2016 (Annexure P-9) are sustainable because not even a single reason has been mentioned while passing the aforesaid order. The order 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, then it should be backed by reasons otherwise it cannot be held to be sustainable.

7. In view of the above, this Court is of the considered view that the aforesaid orders vide Annexures P-7 and P-9 are unreasoned orders and the same are hereby set aside and quashed.

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8. Liberty is granted to the respondents/competent authorities to pass a fresh speaking order backed by reasons after affording an opportunity of personal hearing to the petitioner or his counsel.
9. Petition is allowed in the aforesaid terms.

(JASGURPREET SINGH PURI)
JUDGE

09.07.2024.

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