



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

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CWP-9987-2023 (O&M)
Date of decision: 11.09.2024

Baljeet Singh

....Petitioner

Versus

State of Haryana and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Neeraj Goel, Advocate for the petitioner

Ms. Vibha Tewari, AAG Haryana

AMAN CHAUDHARY, J. (ORAL)

1. The long and short of the submissions made on behalf of the petitioner is that the premise of holding him guilty and imposing 15% cut in pension was a CD, containing only the face of the person alleged to be the helper and not his whole body, regarding which no certificate under Section 65-B, Information Technology Act, 2000 was obtained and produced, besides this the person preparing the same was not arrayed as witness, the vehicle seen in the video not being even on duty in the Depot on the day of the incident, the evidence presented after 3 years, thereby increasing the chances of tampering, the FSL report supporting it not given to him and no loss of weight of diesel in the tanker noticed, were all the contentions presented in the appeal but the Appellate Authority dismissed the same without dealing with the above, though having noticed.

2. In view of the aforesaid, learned State counsel being unable to



controvert the facts, submits that the concerned authority would not be averse to having a relook at the matter.

3. In **Chairman, Disciplinary Authority, Rani Lakshmi Bai Kshetriya Gramin Bank vs. Jagdish Sharan Varshney and others**¹, it was observed and held 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, that does not mean that it need not mention any reasons whatsoever.

4. The order passed by the Appellate Authority in **Dev Kumar, Constable vs. State of Haryana**² 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.

5. 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**³.

6. 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 upon the Appellate

¹ (2009) 4 SCC 240

² 2014(1) S.C.T. 215

³ (2022) 14 SCC 22



Authority to address all the issues raised therein and deliver a well self-contained, speaking and reasoned order, in the interest of justice. Such a viewpoint comes to the assistance of this Court to adjudicate upon the matter with a comprehensive approach and avoids the process of re-approaching the higher institution.

7. As a fall out of the above, the impugned order dated 19.12.2020 passed by the Appellate Authority is set aside and the case is remanded, for decision afresh after taking note of the pleas raised in appeal and affording an opportunity of hearing to the petitioner.

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

9. Disposed of.

(AMAN CHAUDHARY)
JUDGE

11.09.2024
M.Kamra

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