



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

893

CWP-14613-2009 (O&M)
Date of decision: 30.09.2024

Talwinder Singh

....Petitioner

Versus

State of Haryana and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Ranjivan Singh and Ms. Kanika Toor, Advocates
for the petitioner

Mr. Tapan Kumar, DAG Haryana

AMAN CHAUDHARY, J. (ORAL)

1. Challenge made in the present petition is to the impugned order of punishment as also to the orders passed by the Appellate Authority and Revisional Authority.
2. The petitioner, who was working as a Jail Warder, has been awarded the punishment of stoppage of two increments cumulative effect for having not signed the statement with respect to a brawl that took place between inmates which he submits, was not allowed to be read by him before putting his signatures and was asked to have a mere or 'simple' look by the Superintendent Headquarter Jail, Sonipat. In the appeal as well as the revision, the petitioner had specifically raised this ground that he being signatory had a right to ascertain the correctness thereof but the same has not been even referred to much less dealt with.
3. Learned State counsel being unable to controvert the aforesaid facts, submits that they would not be averse to having a relook at the matter at the hands of the Appellate Authority.



4. It was observed in **Chairman, Disciplinary Authority, Rani Lakshmi Bai Kshetriya Gramin Bank vs. Jagdish Sharan Varshney and others**, (2009) 4 SCC 240, 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, but that does not mean that it need not mention any reasons whatsoever.

5. The order passed by the Appellate Authority in **Dev Kumar, Constable vs. State of Haryana**, 2014(1) S.C.T. 215, 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.

6. 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**, (2022) 14 SCC 22.

7. It is a settled principle of law 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 minimises the chances of arbitrariness. Since appeal is a substantive right, it was required that the Appellate Authority dealt with the grounds raised in challenging the order of punishment. The availability of a point of view of an authority higher than the one, the order of which was appealed against, shall be assistive for this Court to have a comprehensive overview of the matter.

8. There is a conspicuous deficiency in the consideration by the



Appellate and Revisional authority, the orders by whom ought to have been self-contained, speaking and reasoned.

9. In view of the aforesaid, the impugned orders dated 06.11.2007 and 21.04.2009, Annexure P-6 and P-8, are set aside, directing the appellate authority to pass an order afresh, taking note of the pleas raised by the petitioner in appeal, after affording an opportunity of hearing to him. It is clarified that nothing observed hereinabove shall be construed to be an expression of opinion on the merits of the case.

10. Disposed of.

(AMAN CHAUDHARY)
JUDGE

30.09.2024
M.Kamra

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