

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-11175-2018 (O&M)
Date of Decision:18.04.2024

Amar Singh Patlan

.....Petitioner

Versus

Sarva Haryana Gramin Bank and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Anil Ghanghas, Advocate for the petitioner.

Mr. G.S. Bajwa, Advocate for respondents No.1 and 2.

JASGURPREET SINGH PURI J.(Oral)

1. The present petition has been filed under Articles 226/227 of the Constitution of India seeking quashing the order dated 23.06.2017 (Annexure P-7) as well as seniority list dated 21.09.1995 (Annexure P-3) wherein the seniority of the petitioner has been wrongly fixed.

2. Learned counsel for the petitioner submitted that the petitioner has been wrongly assigned the seniority which is contrary to the Regulation 13(2) of the Hisar-Sirsa Kshetriya Gramin Bank (Staff) Service Regulations, 1985. He further submitted that the petitioner had earlier filed a writ petition bearing No.2665-1996 which was disposed of vide Annexure P-4 and thereafter a review order was also passed vide Annexure P-6 in which a direction was issued to the respondents to pass a fresh order in accordance with law. Thereafter the impugned order dated 23.06.2017 (Annexure P-7) was passed. He further submitted that in the aforesaid order not even a single reason has been assigned by the

Chairman of Bank despite the fact that it was directed by a Coordinate Bench of this Court that a fresh order be passed in accordance with law.

3. On the other hand, learned counsel for the respondents submitted that the reasons have been so depicted in the reply which has been filed by respondent-bank.

4. After hearing learned counsel for the parties, this Court is of the considered view that whenever an order is to be passed by any of the administrative authority then it should be backed by reasons otherwise it is non-est and cannot be held to be sustainable. A perusal of the aforesaid impugned order (Annexure P-7) would show that not even a single reason has been assigned in the order that has been passed and it only states that after getting the approval from the Board of Directors, the petitioner was rightly assigned the seniority on the basis of guidelines. The aforesaid order on the face of it is an unreasoned order and therefore liable to be set aside.

5. In view of the above, the present petition is allowed and the impugned order dated 23.06.2017 (Annexure P-7) is hereby set aside. It is directed that respondents-Bank shall pass a fresh order in accordance with law by assigning reasons within a period of three months from today and after giving an opportunity of personal hearing to the petitioner or his counsel.

6. Petition is allowed in the aforesaid terms.

(JASGURPREET SINGH PURI)
JUDGE

18.04.2024
shweta

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