



119

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-15356-2024
Date of Decision:08.07.2024

RUPINDER PAL SINGH Petitioner

Versus

STATE OF PUNJAB AND OTHERS Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. V.K. Sandhir, Advocate
for the petitioner.

Mr. Swapan Shorey, DAG, Punjab.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 12.02.2020 (Annexure P-11) whereby petitioner was terminated from service and order dated 21.08.2023 (Annexure P-14) whereby Appellate Authority has dismissed his appeal.
2. Mr. V.K. Sandhir, Advocate pointing out order dated 21.08.2023 (Annexure P-14) passed by Appellate Authority submits that Appellate Authority has not adverted at all with submissions of petitioner and passed impugned order in a mechanical manner. The said order has been further passed without granting opportunity of hearing.
3. Notice of motion.
4. Mr. Swapan Shorey, DAG, Punjab accepts notice on behalf of the respondent-State and waives service.
5. With the consent of both sides, the matter is taken up for



final disposal.

6. From the perusal of impugned orders, it appears that Appellate Authority though at the top of the order has used expression ‘speaking order’, however, has not adverted with submissions of petitioner and simply dismissed his appeal. It is a settled proposition of law that every Appellate Authority is duty bound to advert with submissions of appellant and return its findings on the issues raised by appellant.

6. On being confronted with impugned order, Mr. Swapan Shorey, DAG, Punjab expressed his inability to controvert the fact that Appellate Authority has not returned findings *qua* submissions of the appellant/petitioner.

7. Without commenting upon merits of the case, the impugned appellate order is hereby set aside and Appellate Authority is directed to pass a fresh speaking order. In the order, the Appellate Authority shall advert with all the contentions raised by petitioner and after grant opportunity of hearing.

8. Disposed of.

(JAGMOHAN BANSAL)
JUDGE

08.07.2024
Ali

Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>