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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-20098-2017(O&M)
Date of decision: 23.07.2024

Vinod Kumar Mahajan

...Petitioner

VERSUS

Uttar Haryana Bijli Vitran Nigam Limited and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Umesh Narang, Advocate, for the petitioner.

Mr. D.K. Singal, Advocate, for the 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 quashing the impugned orders dated 04.08.2016 (Annexure P-4) and 24.04.2017 (Annexure P-8), whereby the case of the petitioner for grant of stepping up of pay at par with junior was rejected, with a further prayer to direct the respondents to give the benefit of stepping up of pay to the petitioner at par with his junior counterpart with all consequential benefits with interest.

2. Learned counsel appearing on behalf of the petitioner submitted that the order (Annexure P-8) passed by the respondents does not reflect any reason and the claim of the petitioner has been rejected by merely stating that his anomaly has been examined from each and every angle and same not found



to be feasible. He further submitted that it is a settled law that even an administrative order has to be backed by reasons especially in the present case where the calculations have been given but the aforesaid order has been passed without any cogent reason and does not provide for any calculation and therefore, the impugned order is liable to be set aside.

3. On the other hand, learned counsel appearing on behalf of the respondents submitted that since the calculations etc. have not been given in the impugned order (Annexure P-8), liberty may be granted to the respondents to pass a fresh well reasoned order after hearing the petitioner.

4. I have heard the learned counsel for the parties.

5. A perusal of the impugned order (Annexure P-8) would show that in the aforesaid order, neither any reason has been mentioned nor any calculations have been made. Even the counsel for the respondents has stated that a fresh order can be passed by giving the reasons and calculations etc.

6. In view of the above, the present petition is partly allowed. The impugned order dated 24.04.2017 (Annexure P-8) is hereby set aside. The respondents are directed to pass a fresh order which has to be a speaking order backed by reasons and the calculations of the claim made by the petitioner and after granting an opportunity of hearing to the petitioner or his counsel. The necessary exercise be conducted within a period of four months from today.

(JASGURPREET SINGH PURI)
JUDGE

23.07.2024
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No