



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

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CWP-22678-2021 (O&M)

Date of decision: 14.11.2024

Prahalad Mangal

..Petitioner

Versus

Punjab and Sind Bank and others

..Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Rajesh Punj, Advocate for the petitioner.

Mr. Ranvir S. Chauhan, Advocate for the respondents.

AMAN CHAUDHARY, J. (ORAL)

1. Learned counsel submits that the petitioner, who was working as Agriculture Field Officer, was implicated in a criminal case i.e. FIR No.13 dated 16.11.2013 registered under Sections 7 and 13(2) of the Prevention of Corruption Act, 1988, wherefrom he was acquitted vide judgment dated 12.05.2016 (Annexure P11). During the interregnum, he was served with a charge-sheet dated 19.12.2014 wherein a major penalty was imposed there being an absence of any proven charges, an appeal against the same was also dismissed, without taking into consideration the aforesaid facts brought-forth in the grounds of appeal. Even the review petition filed, met a similar fate vide order dated 10.04.2018 (Annexure P15). He thus, prays for a limited relief of reconsideration of the said appeal, to which learned counsel for the respondents, on instructions, states that the said authority is not averse so as to have a relook at the matter.
2. A reasoned order is the bulwark of a transparent, fair and accountable decision making process in the exercise of judicial or quasi-judicial functions by



Administrative authorities. Rejecting the claim of the petitioner by means of a non-speaking and without any reasoning order, in disregard of the facts and circumstances of the case, was deemed to contravene the principles of natural justice by this Court in **Ashok Kumar vs. State of Haryana and Others**¹. While even holding that an order of affirmation need not contain as elaborate reasons as that of reversal, but should be reasoned nonetheless, Hon'ble the Supreme Court in **Chairman, Disciplinary Authority, Rani Lakshmi Bai Kshetriya Gramin Bank vs. Jagdish Sharan Varshney and others**² belaboured that reasoned appellate order is indicative of application of mind. The purpose of disclosure of reasons, as held in **S.N. Mukherjee vs. Union of India**³, is to inspire confidence in the judicial or quasi-judicial authorities.

3. Given that an appeal constitutes a substantive right, it is incumbent upon the Appellate Authority to meticulously address all contentions raised and deliver a self-contained, well-reasoned, and speaking order in the interest of justice. Adherence to this tenet assists this Court with the necessary foundation for comprehensive adjudication and obviates the need for repetitive recourse to superior forums.

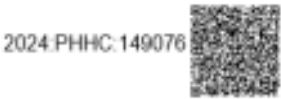
4. As a fall out of the above and in the interest of justice, the case is remanded for consideration afresh at the hands of the Appellate Authority within a period of four months, affording to the petitioner an opportunity of hearing and thereupon decide the appeal advertent to the grounds taken therein.

5. It is clarified that nothing observed hereinabove shall be construed to

¹ 2002 SCC OnLine P&H 1450

² (2009) 4 SCC 240

³ (1990) 4 SCC 594



be an expression of opinion on the merits of the case.

6. Disposed of.

(AMAN CHAUDHARY)
JUDGE

14.11.2024
ashok

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