

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

233

CWP-29110-2017 (O&M)  
Date of decision: 29.04.2024

Bhupinder Singh

....Petitioner

Versus

Punjab State Transmission Corporation Ltd and Ors

...Respondents

**CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY**

\*\*\*\*\*

Present : Mr. Sandeep Khunger, Advocate for the petitioner

Mr. Vikas Mohan Gupta, Advocate for the respondents

\*\*\*\*\*

**AMAN CHAUDHARY. J. (ORAL)**

1. The present petition has been filed for quashing the orders dated 30.07.2015 and 29.08.2017, passed by the Punishing and Appellate Authority respectively.
2. Learned counsel would contend that the petitioner, who was posted as Additional Superintending Engineer (Protection Division), PSTCL, Ferozepur, vide order dated 30.07.2015 was awarded a punishment of withholding of two annual increments without cumulative effect for not getting the mandatory periodical testing of the protection system of the Grid Sub-station as per the schedule, causing loss on account of fire that broke out on 10.05.2014. The appeal against the penalty was also dismissed vide order dated 29.08.2017 and on both instances, no opportunity of hearing was provided. He prays that the matter be reconsidered by the Appellate Authority in a time bound manner, taking into account the above facts.
3. Learned counsel for the respondents being unable to controvert the aforesaid facts, submits that they would not be averse to have a relook at the

matter.

4. Heard learned counsel on either side.

5. It is evincible that the appeal against the punishment imposed on the petitioner of withholding two annual increments without cumulative effect, was rejected in a non-speaking manner by merely stating that the Board did not find any merit in the representations filed.

6. 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.

7. 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.

8. 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.

9. 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.

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.

10. A perusal of the impugned order makes it discernible that while reaching the decision, there was a conspicuous deficiency in the consideration by the appellate authority regarding the punishment accorded, which should be self-contained, speaking and reasoned.

11. In view of the aforesaid, the impugned order dated 29.08.2017, Annexure P-10, is set aside, directing the appellate authority to pass an order afresh, taking note of the pleas raised by the petitioner in appeal, within a period of six months, 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.

12. Disposed of.

(AMAN CHAUDHARY)  
JUDGE

29.04.2024  
M.Kamra

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