



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

215

CWP-3499-2017 (O&M)
Date of decision: 11.11.2024

P.C. Saklani

....Petitioner

Versus

Central Warehousing Corporation And Ors

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Subhash Chander, Advocate for the petitioner

Mr. Sudhir Nar, Sr. Panel Counsel for the respondent-UOI

AMAN CHAUDHARY, J. (ORAL)

1. The prayer made in the present petition is for quashing the orders dated 09.07.2015, 16.07.2015, 18.05.2016 and 25.05.2016, rejecting the claim of the petitioner for expunging adverse remarks.
2. Learned counsel submits that the representations of the petitioner for the same, along with an upgradation of his below benchmark APR, impugned herein, have been passed without assigning any reason whatsoever.
3. Learned counsel for the respondents on instructions submits that the concerned authority would not be averse to having a relook at the matter.
4. Hon'ble the Supreme Court in **State of U.P. vs. Narendra Nath Sinha¹**, a case wherein the appellant had sought an upgrade to his ACR, had directed the Principal Secretary of the Public Works Department of Government of Uttar Pradesh to consider the matter afresh, applying his mind to the

¹ (2001) 9 SCC 118



representations submitted and pass a reasoned order thereupon, allowing him a reasonable opportunity of hearing.

5. Documenting the reasons behind the decision enhances the integrity of the decision-making process by promoting transparency, fairness, and accountability. A speaking order eliminates arbitrariness and enables the affected parties to understand the rationale behind the decision of an Administrative authority, providing a strong foundation for review. This approach not only aids the Court in thoroughly examining the case but also reduces the likelihood of repeated appeals. Furthermore, non-speaking order rejecting the claim rendered without taking into account the relevant facts and circumstances, has been held to be in breach of the principles of natural justice by this Court in **Ashok Kumar vs. State of Haryana and Others²**.

6. As a fall out of the above and in the interest of justice, the case is remanded for decision afresh at the hands of the concerned Authority after taking note of the pleas raised and affording an opportunity of hearing to the petitioner, within a period of 3 months.

7. Disposed of, accordingly.

(AMAN CHAUDHARY)
JUDGE

11.11.2024
M.Kamra

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

² 2002 SCC OnLine P&H 1450