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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-29489-2019 (O&M)

Date of Decision: 20.02.2024

Karambir

....Petitioner(s)

Versus

Uttar Haryana Bijli Vitran Nigam Ltd. and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Naveen Daryal, Advocate, for the petitioner.

Mr. Ashish Yadav, Advocate, for the respondents.

JASGURPREET SINGH PURI, J. (Oral)

1. The present writ 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 order dated 31.01.2017 (Annexure P-6) and also order dated 25.05.2018 (Annexure P-8).

2. Mr. Naveen Daryal, learned counsel appearing on behalf of the petitioner submitted that vide Annexure P-6 dated 31.01.2017, punishment order has been passed against the petitioner purely on the basis of the vigilance enquiry but the prescribed procedure has not been followed and no witness was examined in this regard. He submitted that major punishment of stoppage of two annual increments with future effect was imposed upon the petitioner. He submitted that all the other similarly situated co-delinquent employees were exonerated but the petitioner was wrongly

punished and also without adopting the requisite procedure in accordance with law. He submitted that against the aforesaid order of punishment, he filed an appeal to the Director, UHBVN, Panchkula vide Annexure P-7. However, vide impugned order Annexure P-8, the Appellate Authority did not consider even a single ground taken by the petitioner and even otherwise also, the aforesaid order passed by the Appellate Authority is *ex facie* cryptic and non-speaking order since not even a single reason has been mentioned by the Appellate Authority and therefore, the aforesaid order is also liable to be quashed. He also referred to a judgment of the Hon'ble Supreme Court in ***Kulwant Singh Gill vs. The State of Punjab, 1991 (Sup1) SCC 504*** to contend that when the requisite procedure has not been followed by the Enquiry Officer, then punishment order is bad in law.

3. Mr. Ashish Yadav, Advocate has appeared on behalf of the respondents in this case.

4. After hearing the learned counsel for the parties, this Court is of the view that the present petition can be disposed of by remanding the case to the Appellate Authority who on the face of it has passed a cryptic and non-speaking order which is not backed by any reason.

5. Consequently, the present petition is partly allowed. The order dated 25.05.2018 (Annexure P-8) passed by the Appellate Authority is hereby set aside. The matter is remanded back to the aforesaid Appellate Authority to pass a fresh order strictly in accordance with law by not only considering the grounds taken by the petitioner in the grounds of appeal but also by considering the aforesaid judgment as so relied upon by the learned counsel for the petitioner.

6. The learned counsel for the petitioner at this stage has also

stated that since the aforesaid appeal was filed in the year 2017 and thereafter a number of more judgments have also come and he may be permitted to file supplementary grounds of appeal as well in this regard.

7. The prayer of the learned counsel for the petitioner is quite genuine. The petitioner shall be at liberty to file a supplementary grounds of appeal as well by citing any provision of law or any judgment of the Court. In case the aforesaid is done, then the Appellate Authority shall be bound to consider even the supplementary grounds of appeal as well. It is also directed that while passing a fresh speaking order by the Appellate Authority, the Appellate Authority shall also consider the submission of the petitioner that the similarly situated co-delinquent employees have been exonerated and effect of the same upon the petitioner as well. Needless to say that adequate opportunity of hearing shall also be granted to the petitioner or his counsel. The aforesaid speaking order shall be passed by the Appellate Authority within a period of three months from today.

8. It is further made clear that the order which is to be passed by the Appellate Authority now will be with a fresh application of mind and uninfluenced by the earlier order passed by the Appellate Authority.

20.02.2024

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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