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

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CWP-26319-2024 (O&M)
Date of decision: 05.11.2024

Jayasree Samayamantula

..Petitioner

Versus

Punjab and Sind Bank and others

..Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr.Amit Jhanji, Sr.Advocate with
Ms. Ridhi Bansal, Advocate for the petitioner.

Mr. Arpit Chawla, Advocate for the respondents.

AMAN CHAUDHARY, J. (ORAL)

1. Learned Senior Counsel submits that the number of grounds that had been taken in the statutory appeal, were not dealt with and thus, prays for a limited relief of reconsideration of the same, to which learned counsel for the respondents, on instructions from Mr. Nikhil Kumar, Sr. Manager, states that the said authority would not be averse to having a relook at the matter.

2. In **Chairman, Disciplinary Authority, Rani Lakshmi Bai Kshetriya Gramin Bank vs. Jagdish Sharan Varshney and others¹**, it was observed and held 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, that does not mean that it need not mention any reasons whatsoever.

¹ (2009) 4 SCC 240

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3. The order passed by the Appellate Authority in **Dev Kumar, Constable vs. State of Haryana**² 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.

4. 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**³.

5. It is an established legal doctrine 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 reduces the chances of arbitrariness. The appeal being a substantive right, it was imperative upon the Appellate Authority to address all the issues raised therein and deliver a well self-contained, speaking and reasoned order, in the interest of justice. Such a viewpoint comes to the assistance of this Court to adjudicate upon the matter with a comprehensive approach and avoids the process of re-approaching the higher institution.

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 Appellate Authority after taking note of the pleas raised in appeal and affording an opportunity of hearing to the

² 2014(1) S.C.T. 215

³ (2022) 14 SCC 22

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petitioner.

7. It is clarified that nothing observed hereinabove shall be construed to be an expression of opinion on the merits of the case.

8 . Disposed of.

(AMAN CHAUDHARY)
JUDGE

05.11.2024
ashok

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