

**CWP-28971-2024****1**

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

(110)**CWP-28971-2024****Date of Decision : December 17, 2024****Ranjit Singh****.. Petitioner**

Versus

State of Punjab and others**.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Vishal Mehta, Advocate, for the petitioner.

Ms. Shruti, Assistant Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, challenge is to the order of punishment dated 23.08.2023 (Annexure P-7) imposed upon the petitioner whereby recovery has been ordered as well as to the order passed by the Appellate Authority dated 28.06.2024 (Annexure P-9) by which the appeal against the order of punishment has been dismissed.

2. Learned counsel for the petitioner submits that the order which has been passed by the Appellate Authority is totally cryptic and non-speaking and no reason has been given as to why the ground raised by the petitioner in his appeal challenging the order of punishment dated 23.08.2023 did not find favour with the Appellate Authority.



CWP-28971-2024

2

3. Learned counsel for the petitioner further submits that as per the judgment of the Hon'ble Supreme Court of India in ***Civil Appeal No.457 of 1970 titled as Mahabir Prasad Santosh Kumar vs. State of U.P and others, decided on 02.04.1970***, the appellate order is to be a speaking order so that the employee knows as to what weighed in the mind of the Appellate Authority while accepting or rejecting the appeal.

4. Notice of motion.

4. Ms. Shruti, learned Assistant Advocate General, Punjab, who is present in the Court, accepts notice on behalf of the respondents.

6. Learned counsel for the respondents, on the instructions from Mr. Jasmanjot Singh, Senior Assistant, submits that she has instructions that the order dated 28.06.2024 passed by the Appellate Authority be treated as withdrawn with liberty to pass a fresh order within a period of eight weeks of the receipt of copy of this order.

7. At this stage, learned counsel for the petitioner submits that the petitioner has already retired from service but his pensionary benefits have been withheld on the ground of present proceedings. Learned counsel further submits that after deducting the amount of recovery ordered against the petitioner, the respondents be directed to release the remaining amount admissible to the petitioner on account of his retiral benefits subject to the fresh order to be passed in appeal.

8. Learned counsel for the respondents submits that appropriate order on the said plea will also be passed by the competent authority within a period of eight weeks from today and whatever the petitioner is found entitled for, the same will be released to him in case the same is permissible

**CWP-28971-2024****3**

9. Learned counsel for the petitioner submits that keeping in view the fact that the order dated 28.06.2024 passed by the Appellate Authority has been withdrawn with liberty to pass a fresh order, the present writ petition may kindly be disposed of having been not pressed any further.

10. Ordered accordingly.

December 17, 2024*harsha***(HARSIMRAN SINGH SETHI)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No