



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

213

CWP-2148-2019

Date of decision: 05.02.2025

DR. ROHIT SINGLA

....Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Suvir Sidhu, Advocate for the petitioner.

Mr. Manipal Singh Atwal, DAG Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition is for quashing of the order of punishment of dismissal from service as also that vide which his appeal was rejected.
2. The petitioner was working as Medical Officer (Orthopedics) since 1995 and was issued a charge-sheet on 25.11.2010. During the proceedings, the petitioner had also submitted a reply to the chargesheet, Annexure P-2, as is evident from the postal receipt appended therewith, however, the same was wrongly stated not to have been filed, stating therein that it was on account of demise of his father as also his wife having suffered from brain stroke that he could not report for duty. Though in the inquiry report, the charge No.1 was partly proved only regards his absence from 15.06.2009, however, he has been awarded the harshest punishment of dismissal for being absented from 10.02.2009. In the statutory appeal all the aforesaid grounds as also that no proper and effective opportunity was afforded to him to cross-examine the three witnesses produced by



the management. It is contrary to the rules of natural justice. He was not afforded any effective opportunity to lead defence evidence. Moreover, a similarly circumstanced employee namely Dr. Daljeet Kaur, who had also absented from duty was reinstated vide order dated 29.11.2018, Annexure P-17, considering her absence period as '*dies non*', which is also acceptable to the petitioner as well. The grounds which were taken by the petitioner in the statutory appeal filed by him, have not been referred to much less considered.

3. As articulated by this Court in **Hans Raj Gupta v. State of Punjab**, hearing before a Disciplinary Authority is not a mere farce or just a routine formality, necessitating that the accused employee be given a list of witnesses and documents to ensure transparency, while also prohibiting reliance on witness statements unless copies are provided to the petitioner with a fair opportunity for cross-examination.

4. A perfunctory, mono-linear disposition, bereft of proper contemplation of facts and circumstances of a case, stands in brazen contravention of Natural Justice principles, as eloquently expounded by this Court in **Ashok Kumar vs. State of Haryana and Others and M/s Kranti Associates Pvt. Ltd. And Another vs. Sh. Masood Ahmed Khan and Others** wherein it was observed that the face of an order passed by a quasi-judicial or administrative authority affecting the rights of parties, must speak and must not be like the inscrutable face of a Sphinx. The authorities are under a legal obligation to give reasons while passing an order, which are the essence and virtually a part of the due process.

5. Administrative authorities are mandated to articulate the rationale behind their decisions, ensuring transparency and fairness in the decision-making process, which not only assists the Court in scrutinizing the case effectively but prevents a revolving door of appeals to the same institution
6. As a fall out of the above, in the interest of justice, the impugned order is set aside and the respondents are directed to consider the matter afresh, in accordance with law, taking note of the grounds taken in appeal filed by the petitioner and pass a reasoned order within a period of four months, after affording an opportunity of hearing to the petitioner.
7. Disposed of accordingly.

(AMAN CHAUDHARY)
JUDGE

05.02.2025
Amandeep

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