



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

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CWP-3138-2021 (O & M)
Date of decision: 22.04.2025

Kiranjeet Kaur

....Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Naveen S. Bhardwaj, Advocate and
Mr. Lakendra Singh, Advocate,
for the petitioner.

Mr. Amarpeet Singh Bains, AAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. Challenge is to the order dated 06.04.2018 whereby the petitioner has been dismissed from service as also has been his appeal.
2. The petitioner, who was initially appointed as Mistress and promoted as School Lecturer (Mathematics), was granted ex-India leave till 30.04.2012 and prior to expiry thereof, she on 29.03.2012 had sought extension for six months and vide letter dated 01.10.2012, for another six months, Annexures P-5 and P-6. However, no decision thereon was communicated to her. Subsequently, despite her request she was not allowed to rejoin w.e.f. 01.05.2013. Learned counsel states that she was dismissed from service without conducting any regular enquiry and she had even submitted her resignation on 03.04.2018. Further without providing any copy of order passed dismissing his statutory appeal filed on 17.07.2018 praying therein for considering his resignation from job, she was merely conveyed vide letter dated 14.11.2018, Annexure P-17, by



the Superintendent of the Office, it having been approved to be consigned to the record on 13.09.2018. The unblemished service of 15 years of the petitioner has also not been taken into consideration by the punishing authority.

3. A perfunctory, mono-linear disposition, bereft of proper contemplation of facts and circumstances of a case, stands in brazen contravention of principles of natural justice, as eloquently expounded by Hon'ble the Supreme Court in **M/s Kranti Associates Pvt. Ltd. And Another vs. Masood Ahmed Khan and Others**, 2010(9) SCC 496, 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.

4. 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 scrutinising the case effectively but prevents a revolving door of appeals to the same institution. Be that as it may, in the case at hand, the order of the appellate authority was not even made available to the petitioner to be able to know the reasons of non-acceptance of his plea with regard to acceptance of his resignation as well.

5. The objectivity of disciplinary proceedings must be tangible, with charges clearly articulated in precise terms empowering the



individual to mount an informed defense. However, indubitably in the present case, the proceedings though had been initiated however, leaving those in between, the authorities marched ahead to pass an order of dismissal without holding a regular enquiry as mandated by rules and there being a conspicuous absence of a reasoned decision directly violated the principles of natural justice, which was disapproved in **Kiranjit Kaur vs. State of Punjab and others** 2017 SCC Online P&H 1936 involving somewhat similar facts, which learned State counsel despite best efforts was unable to controvert.

6. In the aforesaid conspectus the imposition of a major penalty of dismissal from service without adopting due process of law renders hollow the orders dated 06.04.2018 and 14.11.2018 passed against the petitioner, which as a natural corollary are hereby set aside, remanding the matter to the respondents to decide afresh in accordance with rules and affording a fair opportunity of being heard.

7. Disposed of accordingly.

8. Needless to say, that the observations made herein would not be construed as an expression of opinion on the merits of the case.

22.04.2025
parveen kumar

(AMAN CHAUDHARY)
JUDGE

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