



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

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CWP-6737-2019 (O&M)

Date of Decision: 28.01.2025

Jashanpreet Singh

...Petitioner

Versus

State of Punjab and Others

...Respondents

CORAM:- HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Virinder K. Shukla, Advocate for the petitioner.

Mr. Satnampreet Singh Chauhan, DAG, Punjab.

AMAN CHAUDHARY, J. (Oral)

1. Prayer made in the present petition is for quashing the orders dated 31.8.2015, Annexure P-6) whereby the punishment of removal from service has been imposed on him by respondent No. 2, along with the order dated 04.04.2018 passed by respondent No. 1, rejecting his appeal, Annexure P-8 as also the Inquiry Report, Annexure P-11.

2. The petitioner, appointed as a Senior Laboratory Attendant in 1996, became the subject matter of a criminal complaint filed by his father-in-law on 20.03.2002 under Sections 419, 420, 467, 468, 120-B, 506, 452, 323 and 34 IPC wherein though initially he was convicted u/s 451 and 506 of IPC for 06 months vide judgment dated 28.01.2008, he was acquitted on appeal by the learned Sessions Judge, Faridkot, on 17.11.2009. Consequently, his services were terminated on 06.05.2008. However, he was reinstated on 11.06.2012 with consequential benefits pursuant to the allowance of CWP-2841-2010 by this Court on 24.04.2012. Thereafter, a charge sheet was issued to him on 08.10.2007 during the pendency of the disciplinary proceedings, alleging that he had wrongfully



secured employment on compassionate grounds by improperly altering his date of birth from 10.10.1976 to 10.10.1980 under a forged name, therefore his services terminated vide order dated 31.08.2015, wherein there were various procedural illegalities inasmuch as no opportunity to cross-examine the witness as well as to produce the defence witnesses was also granted to him. Specific grounds with regard to which were taken by him in his statutory appeal, Annexure P-7, which also has been rejected vide order dated 04.04.2018, Annexure P-8, there being not even a reference to these. Upon a bare perusal of the impugned orders marked as Annexure P6, a stark absence of substantive reasoning supporting its conclusion is discernible.

3. As articulated by this Court in **Hans Raj Gupta v. State of Punjab**¹, 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. A copy of the inquiry report should have been furnished to him but was only obtained through an RTI application submitted on 17.10.2008, a principle affirmed in **Prem Kumar v. State of Punjab**², later upheld in LPA No. 1808 of 1989, decided on 31.07.1990, SLP against which it also met dismissal, highlighting its crucial role in safeguarding a robust defense. The entitlement to assistance from a government employee during proceedings, as stipulated under Rule 8(8) of the Punishment and Appeal Rules, was resolutely affirmed by Hon'ble the Supreme Court in **Shri Bhagat Ram v. State of Himachal Pradesh**³.

4. A perfunctory, mono-linear disposition, bereft of proper contemplation of facts and circumstances of a case, stands in brazen contravention

¹ 1992 (1) SCT 258

² 1989(3) SLJ 127

³ 1988 (1) SLR 626.



of Natural Justice principles, as eloquently expounded by this Court in **Ashok Kumar vs. State of Haryana and Others⁴** and **M/s Kranti Associates Pvt. Ltd.**

And Another vs. Sh. Masood Ahmed Khan and Others⁵ 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 scrutinising 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 04.04.2018 (Annexure P-8) 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

28.01.2025

Kv

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

⁴ 2002 SCC OnLine P&H 1450

⁵ 2014(9) SCC 496