



CWP-10366-2017 -1-
CWP-4307-2019

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

218(2 cases)

Date of decision: 11.02.2025

CWP-10366-2017

Sarup Chand and others vs. State of Punjab and others

CWP-4307-2019

Kamaljet Singh and another vs. State of Punjab and others

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. A.K. Walia, Advocate,
 for the petitioners in both the petitions.
 Mr. Charanpreet Singh, AAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. These cases involve similar issues and therefore, are being disposed of together and for the sake of brevity, the facts are taken from CWP-10366-2017.

2. Prayer made in the petition is for quashing the inquiry report dated 21.10.2014, Annexure P-3, order of punishment dated 31.03.2015, Annexure P-4, as also the orders, Annexures P-6 and P-7, vide which the appeal was dismissed.

3. The petitioners were posted as Warders and Head Warders in the Central Jail, Ludhiana, and had raised their grievance by way of a peaceful protest and *dharna* on 22.03.2013 for being given a 24 hours' rest in a week. Learned Counsel submits that no allegation was made against them for creating any nuisance, manhandling or assaulting any officer, uttering derogatory words, threatening any officer, obstructing the performance of duty by others, or deserting their own duty, as the protest was conducted prior to their duty period, thus it was not a misconduct as grave for imposition of punishment to have a life long repercussion. The



appeal was filed raising various grounds, including the failure of the authorities to provide essential documents requested for responding to the chargesheet, thereby preventing the submission of a comprehensive reply. Furthermore, no official communication regarding rest was issued and the correspondent who had published the news item, was not asked by them to photograph the said protest. The aforesaid has been overlooked by both the Appellate Authorities, while deciding the respective appeals. Reliance is placed on the judgment in **Bishan Singh vs. State of Punjab** 1997 AIR (SC) 2670, wherein Hon'ble the Supreme Court in a case the appellants, members of the police force led a peaceful procession in violation of the prohibitory orders to represent legitimate grievance of inadequate accommodation, penalty of stoppage of one increment without cumulative effect was imposed, instead of dismissal from service.

4. Hearing before a Disciplinary Authority is not a mere farce or just a routine formality, as articulated by this Court in **Hans Raj Gupta vs. State of Punjab**¹, necessitating that the accused employee be given a list of 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.

5. 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**² and **M/s Kranti Associates Pvt. Ltd. And Another vs. Sh. Masood Ahmed**

¹ 1992 (1) SCT 258

² 2002 SCC OnLine P&H 1450



CWP-10366-2017 -3-
CWP-4307-2019

Khan and Others³ 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.

6. 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

7. Keeping in view the facts and circumstances of the case, the orders passed by First as well as the Second Appellate Authority, Annexures P-6 (colly) and P-7 (colly), are set aside and Respondent No. 2 is directed to decide the matter afresh, by passing a reasoned order in accordance with the law, taking note of the pleas raised in the appeal, while the petitioner during the course of hearing that would be granted to him may produce any judgment to support his case. Needful be done within a period of six months.

8. The present petitions stand disposed of accordingly

9. Photocopy of this order be placed on the connected file.

11.02.2025
parveen kumar

(AMAN CHAUDHARY)
JUDGE

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

³ 2010(9) SCC 496