



CWP-14466-2011 (O&M)

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

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CWP-14466-2011 (O&M)

Decided on: 06.03.2026

SURINDER SINGH TIWANA

... PETITIONER(S)

VS

PUNJAB AND SIND BANK & ANR.

... RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Ashok Sharma Nabhewala, Advocate with
Ms. Gauri Sharma, Advocate
for the petitioner.

Mr. R.Kartikeya, Advocate
for the respondents.

Sandeep Moudgil, J.(Oral)

Prayer in the present petition is for quashing the orders dated 30.01.2008, 30.06.2008 and 27.04.2009 (Annexures P-3, P-5 and P-7 respectively) and for issuance of directions to the respondents to grant all consequential benefits to the petitioner.

2. Learned counsel for the petitioner contends that on 22.12.2006, the respondent-bank issued charge-sheet to all its employees including the petitioner under general clauses of the officers service regulations. He submits that without affording an opportunity of hearing to the petitioner, the punishing authority, merely by relying upon the inquiry report granted the major penalty of dismissal from service, in terms of Clause 4(j) of the Punjab and Sind Bank Officers Employees (Disciplinary and Appeal) Regulations,



1981, while the co-employees were granted compulsory retirement on the same charges.

Learned counsel further submits that the petitioner cannot be discriminated in respect to the punishment awarded to similarly situated employee on the same allegations and placed reliance on the judgment of Supreme Court in “***Mann Singh vs. State of Haryana, 2008 (12) SCC, 331***”. He further contends that at the time of punishing the petitioner as well as passing of the impugned award, opportunity of personal hearing was not afforded to the petitioner by the punishing authority as well as appellate authority, violating the principle of natural justice. In support of his submission, learned counsel has placed reliance upon the judgment of this Court in “***Ram Niwas Bansal vs. State Bank of Patiala, 1998(2) PLR 768.***”

Lastly, he argued that the order passed by the Appellate Authority is non-speaking order and without application of mind and therefore, the same is liable to be quashed, while asserting that the review petition filed by the petitioner before the Reviewing Authority, was also rejected on the ground of delay.

3. Learned counsel for the respondents submits that entire staff of the Branch including petitioner was found involved in the fraud and all were dealt with departmentally in accordance with law and awarded punishment in the light of gravity of proved misconduct. Learned counsel argued that the petitioner has never made any request before the Disciplinary Authority for personal hearing and moreover, there is no statutory obligation for the



Disciplinary Authority or the Appellate Authority to afford an opportunity of personal hearing to an employee before awarding punishment.

4. Heard learned counsel for the parties and perused the relevant material available on record.

5. A perusal of the impugned orders would show that no opportunity of personal hearing was afforded to the petitioner either by the punishing authority or by the appellate authority. The omission assumes greater significance in the present case as the punishment imposed directly affects the livelihood of the petitioner. The principles of natural justice, therefore, required that the petitioner be granted an effective opportunity of hearing before any adverse decision was taken.

6. Equally significant is the fact that the order passed by the Appellate Authority is a non-speaking one. It is trite law that when a quasi-judicial authority exercises appellate jurisdiction, it must pass a reasoned order reflecting due application of mind. The appellate authority is obliged to examine the findings recorded in the inquiry proceedings and record reasons indicating its agreement or disagreement with the conclusions of the Inquiry Officer. Failure to do so renders the order unsustainable in law.

7. In view of the aforesaid, the present petition stands disposed of and the impugned orders dated 30.06.2008 and 27.04.2009 (Annexures P-5 and P-7 respectively) are set aside. The matter is remanded back to the Appellate Authority to consider the appeal afresh after affording the petitioner a fair opportunity of personal hearing and thereafter to pass a reasoned and speaking order, clearly recording its findings in agreement or disagreement



with the conclusions arrived at by the Inquiry Officer in the inquiry report dated 28.11.2007 pertaining to the charges levelled against the petitioner in the charge-sheet dated 22.12.2006.

- 8. The present petition stands disposed off in above terms.
- 9. Ordered accordingly. Pending applications, if any, stand disposed off.

06.03.2026
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(SANDEEP MOUDGIL)
JUDGE

Whether speaking/non-speaking?	Yes/No
Whether reportable?	Yes/No