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

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LPA-2358-2017 (O&M)
Date of Decision :19.02.2026

Kuldeep Singh

...Appellant

Versus

State of Punjab and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. Munish Gupta, Advocate for the appellant.

Mr. Rahul Rampal, Addl. A.G. Punjab.

Mr. U.M. Khan, Advocate for Mr. Anupam Singla, Advocate
for respondent No.2 & 3.

Mr. Sanjiv Gupta, Sr. Advocate with
Mr. Rajeshwar Oswal, Advocate for respondent No.5.

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Harsimran Singh Sethi, J. (Oral)

1. In the present appeal, the challenge is to the impugned order dated 18.09.2017 passed by the learned Single Judge of this Court in CWP-18062-2015 whereby, the order passed by the Appellate Authority dated 20.11.2012 absolving petitioner of the allegations of misappropriation alleged against him and reinstated in service, was set aside and the case was remanded back to the Appellate Authority to decide the same afresh in accordance with law on the ground that the said order was totally cryptic and non-speaking.

2. Learned counsel for the appellant submits that once the Appellate Authority had decided the issue and consequently exonerated the



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appellant of the allegations, the learned Single Judge of this Court could not have sat in an appeal over the said order so as to treat the same as cryptic and non-speaking and therefore, the impugned order dated 18.09.2017 passed by the learned Single Judge of this Court is liable to be set aside.

3. Learned counsel for the appellant further submits that even the Punjab Agro Foodgrains Corporation Ltd. (hereinafter referred to as 'Corporation') also challenged the said order by filing CWP-11019-2015 but the said writ petition was withdrawn by the Corporation on 16.07.2019 by giving reason that the Corporation cannot challenge an order passed by its own Appellate Authority hence, once, the said order was challenged by the Corporation and the same was withdrawn, the impugned order passed by the learned Single Judge of this Court is liable to be set aside on this ground alone.

4. Learned counsel for the appellant further submits that there is no locus standi with the respondents to challenge the order which was passed by the Appellate authority, which aspect has not been adjudicated by the learned Single Judge of this Court.

5. We have heard learned counsel for the parties and have gone through the record with their able assistance.

6. It is a settled principle of law that the Appellate Authority is required to pass a speaking order giving due reasons for its conclusion arrived at. Reliance can be placed upon the judgment passed by the Hon'ble Supreme Court of India in **Kranti Associates Pvt. Ltd. and another vs. Masood Ahmed Khan and others, (2010) 9 SCC 496.** Relevant paragraph is

as under:-



“47. Summarizing the above discussion, this Court holds:

a. In India the judicial trend has always been to record reasons, even in administrative decisions, if such decisions affect anyone prejudicially. b. A quasi-judicial authority must record reasons in support of its conclusions.

c. Insistence on recording of reasons is meant to serve the wider principle of justice that justice must not only be done it must also appear to be done as well.

d. Recording of reasons also operates as a valid restraint on any possible arbitrary exercise of judicial and quasi-judicial or even administrative power.

e. Reasons reassure that discretion has been exercised by the decision maker on relevant grounds and by disregarding extraneous considerations.

f. Reasons have virtually become as indispensable a component of a decision making process as observing principles of natural justice by judicial, quasi-judicial and even by administrative bodies.

g. Reasons facilitate the process of judicial review by superior Courts.

h. The ongoing judicial trend in all countries committed to rule of law and constitutional governance is in favour of reasoned decisions based on relevant facts. This is virtually the life blood of judicial decision making justifying the principle that reason is the soul of justice.

i. Judicial or even quasi-judicial opinions these days can be as different as the judges and authorities who deliver them. All these decisions serve one common purpose which is to demonstrate by reason that the relevant factors have been objectively considered. This is important for



sustaining the litigants' faith in the justice delivery system.

j. Insistence on reason is a requirement for both judicial accountability and transparency.

k. If a Judge or a quasi-judicial authority is not candid enough about his/her decision making process then it is impossible to know whether the person deciding is faithful to the doctrine of precedent or to principles of incrementalism.

l. Reasons in support of decisions must be cogent, clear and succinct. A pretence of reasons or 'rubber-stamp reasons' is not to be equated with a valid decision making process.

m. It cannot be doubted that transparency is the sine qua non of restraint on abuse of judicial powers. Transparency in decision making not only makes the judges and decision makers less prone to errors but also makes them subject to broader scrutiny. (See David Shapiro in Defence of Judicial Candor (1987) 100 Harward Law Review 731-737).

n. Since the requirement to record reasons emanates from the broad doctrine of fairness in decision making, the said requirement is now virtually a component of human rights and was considered part of Strasbourg Jurisprudence. See (1994) 19 EHRR 553, at 562 para 29 and Anya vs. University of Oxford, 2001 EWCA Civ 405, wherein the Court referred to [Article 6](#) of European Convention of Human Rights which requires, "adequate and intelligent reasons must be given for judicial decisions".

o. In all common law jurisdictions judgments play a vital role in setting up precedents for the future. Therefore, for development of law, requirement of giving reasons for the decision is of the essence and is virtually a part of "Due Process".

7. A bare perusal of the above would show that while deciding the appeal also, reasons are to be given by for the conclusion arrived at.

8. Learned counsel for the appellant has not been able to rebut that there is not even a single reason given by appellate authority for accepting

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the appeal preferred by the appellant herein hence, the said order wherein a loss of more than Rs.2.2. Crore was fastened upon appellant herein has been taken away by the Appellate Authority and that too without giving any valid reason for the same, the order passed by the learned Single Judge of this Court remanding the case back to the Appellate Authority to decide the same afresh in accordance with law, cannot be treated to be perverse or illegal.

9. With regard to the argument of the learned counsel for the appellant that the writ petition filed by the Corporation against order passed by appellate authority was withdrawn and therefore, the present appeal needs to be allowed, it may be noticed that said writ petition was withdrawn by the Corporation on the presumption that the order passed by Corporation's own Appellate Authority cannot be challenged by the Corporation. The same is not correct as the Corporation is a juristic person and its own Appellate Authority is exercising a quasi judicial function, which means that the Corporation was well within its right to challenge the order passed by the Appellate Authority in case aggrieved hence, the said writ petition was withdrawn due to misconception hence, once, the said writ petition was withdrawn without any adjudication upon the validity of order passed by the appellate authority, the said withdrawal of the writ petition will not come to the rescue of the appellant to seek allowing of the present appeal.

10. With regard to the argument raised by learned counsel for the appellant that the respondents had no locus standi to challenge the order passed by appellate authority .

11. Though, the said argument may have some weight but keeping

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in view the fact that even the Corporation had suffered a loss of more than Rs.2.2 Crore & withdrew its writ petition, the Court cannot act as a mute spectator so as to not act on mere technicalities and letting the appellant go on the basis of an order which is contrary to the settled principle of law and does not give even a single reason to exonerate the appellant of any wrong done when allegation is qua misappropriation and causing loss to the tune of more than two crore rupees, hence, in the peculiar facts and circumstances of the present case, the impugned order passed by the learned Single Judge of this Court is not being interfered with by this Court and the present appeal is accordingly dismissed.

12. Civil miscellaneous application pending if any is also disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

February 19, 2026*aarti*

Whether speaking/reasoned : Yes
Whether reportable : No