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

**CWP-32755-2025 (O&M)
Date of decision: 03.02.2026**

Shiv Kumar

... Petitioner

Vs.

Punjab State Power Corporation Ltd. and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rajeev Dev Sharma, Advocate
for the petitioner.

Mr. Harshjit Singh, Advocate
for the respondents.

HARPREET SINGH BRAR, J.

CM-1635-CWP-2026

1. This application has been filed under Section 151 of the Code of Civil Procedure, 1908 for placing on record the reply dated 17.12.2024 as Annexure P-15 and exemption from filing certified copy thereof.
2. In view of the averments made in the application, the same is allowed and the true translated copy of the reply dated 17.12.2024 submitted by the applicant-petitioner before the appellate authority, is taken on record as Annexure P-15 subject to all just exceptions. The exemption sought is granted.

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3. The present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* seeking modification of the order dated 21.01.2025 (Annexure P-13) by allowing the appeal dated 31.05.2019 (Annexure P-9) *in toto* and further, to issue a writ in the nature of *mandamus* directing the respondents to decide the appeal after granting adequate opportunity of hearing to the petitioner.

4. Learned counsel for the petitioner, *inter alia*, contends that the petitioner joined the respondent-Corporation on 15.04.1981 as Assistant Lineman and he retired from the post of Lineman on 31.05.2014, as discernible from the office order dated 14.05.2014 (Annexure P-2). During his service tenure, a punishment order dated 11.12.2013 (Annexure P-1) was passed against the petitioner whereby one annual increment was stopped along with recovery of salary for the period from 20.03.2008 to 23.03.2009. The petitioner had filed an appeal against order dated 11.12.2013 (Annexure P-1) but no order was passed or communicated to the petitioner in pursuance thereof. Vide order dated 21.12.2017 (Annexure P-4), passed in furtherance of the order passed by this Court on 21.08.2017 (Annexure P-3) in CWP-18534-2017, the petitioner was informed that the punishment order dated 11.12.2013 (Annexure P-1) has been amended twice vide orders dated 05.05.2016 and 19.07.2017 (Annexures P-5 & P-6, respectively).

5. The petitioner filed an appeal on 31.05.2019 (Annexure P-9)

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against the said orders (Annexures P-5 and P-6) which was dismissed by the appellate authority vide non-speaking order dated 11.01.2021 (Annexure P-10), which was passed without affording an opportunity of hearing to him. Feeling aggrieved, the petitioner challenged the order dated 11.01.2021 (Annexure P-10) by filing CWP-29787-2024. However, in view fact that the order dated 11.01.2021 (Annexure P-10) was ordered to be withdrawn by the department along with an undertaking that the matter shall be reconsidered, the said petition was disposed of vide order dated 06.11.2024 (Annexure P-12), with a direction to pass a fresh order. In purported compliance thereof, the respondents passed the impugned order on 22.01.2025 (Annexure P-13) whereby a one line conclusion has been drawn that reads as such-“***Stop 3% cut from his pension with immediate effect.***” Evidently, the impugned order (Annexure P-13) has been passed in a most cryptic and mechanical manner, which does not satisfy the objective standards of reason and justice. Moreover, the stipulated appellate authority in the case of the petitioner would be the Chief Engineer, however, the impugned order (Annexure P-13) has been passed by the Under Secretary/Estab from the Office of the Chief Engineer/OP (Border zone), Amritsar, which renders it infructuous. Learned counsel also submits that the petitioner had also served a legal notice dated 25.08.2025 (Annexure P-14) upon the respondents, requesting a decision on the appeal filed by him, after following the dues process which includes giving him an opportunity of personal hearing. However, no action has been taken in



furtherance thereof.

6. *Per contra*, learned counsel for the respondents submits that the respondents have granted sufficient opportunities of personal hearing to the petitioner, but he did not participate and even he refused to receive the memos dated 20.10.2020 and 18.12.2020 issued by the respondents for this purpose. However, the petitioner appeared before the appellate authority-respondent No.3 on 17.12.2024 and submitted his written reply. After considering the same, the appellate authority has passed the impugned order (Annexure P-13) imposing the aforesaid penalty.

7. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that the impugned order (Annexure P-13) was issued by the Under Secretary “with approval” of the concerned Chief Engineer. Tritely, disciplinary proceedings have a quasi-judicial character and as such, any decision in furtherance thereof can only be taken by the authority as specified in the applicable service Rules. An order passed by a subordinate officer, even with approval or permission of the appropriate authority, is impermissible in law. The relevant part of the impugned order (Annexure P-13) is reproduced below:

“That the Chief Engineer examined/perused the written reply and heard the defence of the employee and passed the following order:

“Stop 3% cut from his pension with immediate effect.”

Therefore, the deduction so being made @3% permanently from the pension of Shiv Kumar, Retired Lineman may be stopped from

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the date of this office order.

Therefore, the deduction so being made @3% permanently from the pension of Shiv Kumar, Retired Lineman under rule 26 of Punishment and Appeal Rules 1971 of Punjab State Electricity Board [now PSPCL] may be stopped from the date of this office order.

This order is being issued with the approval of Chief Engineer/ OP (Border zone), Amritsar.

Sd/- Under Secretary/ Estab
O/o Chief Engineer/ OP (Border zone), Amritsar”
(emphasis added)

8. A Coordinate Bench of this Court in ***Suresh Pal Vs. Uttar Haryana Bijli Vitran Limited and others, 2025 SCC OnLine 2205*** made the following observations in this regard: -

“Category-A Where the punishment order and appellate order are passed by the administrative officer/subordinate officer by stating that they have been passed with the approval of the punishing/appellate authority.

56. It is impermissible for any authority to pass any order whereby that authority is not competent to pass such order under the respective Service Rules or any authority of law. If an order is passed by any administrative officer /subordinate officer by stating that the order has been passed with the approval of the punishing /appellate authority, the same is impermissible, a nullity and coram non-judice being without the authority of law. In other words, any quasi-judicial or administrative order which is required to be passed can only be passed by the competent authority under the law and not by any subordinate authority by simply stating that the competent authority has approved the same.”

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9. Further still, the impugned order (Annexure P-13) is indicative of non-application of mind on part of the Chief Engineer, as he has merely pronounced the punishment without recording any reasons to justify the necessity for it. A two Judge Bench of the Hon'ble Supreme Court in ***Kranti Associates Pvt. Ltd. Vs. Masood Ahmed Khan, (2010) 9 SCC 496*** has highlighted the need to pass the speaking orders, even by quasi-judicial authorities. In the said judgment, speaking through Justice Asok Kumar Ganguly, following was opined: -

“51. 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*

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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

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broader scrutiny. (See David Shapiro in Defence of Judicial Candor (1987) 100 Harvard 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 v. 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".

10. In view of the discussion above, present petition is allowed and the order dated 21.01.2025 (Annexure P-13) is hereby set aside. The respondent-concerned authority is directed to reconsider the appeal of the petitioner and pass a reasoned order in terms of **Kranti Associates**'s case (*supra*) and **Suresh Pal**'s case (*supra*) within a period of three months from the date of receipt of certified copy of this order, after affording an opportunity to the petitioner to be heard.

11. Further, the decision taken shall be conveyed to the petitioner forthwith.

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12. This Court also deems it appropriate to impose a cost of Rs.50,000/- upon the respondent-PSPCL, payable to the petitioner towards litigation expenses, in view of the dereliction of duty by its officer. However, respondent No.1-Managing Director would be at liberty to fix responsibility and recover the said amount from the erring official.

13. A copy of this order be supplied to Chairman-cum-Managing Director, Punjab State Power Corporation Ltd., Patiala for information and compliance.

14. The pending miscellaneous application(s), if any, shall stand disposed of.

[HARPREET SINGH BRAR]
JUDGE

03.02.2026
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No