



CWP-23385-2015 (O&M)

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

(231)

CWP-23385-2015 (O&M)

Date of Decision : July 14, 2025

Parmod Singh Patyal

.. Petitioner

Versus

Punjab and Haryana High Court and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Petitioner in person.

Mr. Rajeev Anand, Advocate, for respondents No. 1 and 3.

Ms. Akshita Chauhan, DAG, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the challenge is to the Letter/Order dated 19.02.2015 (Annexure P-15) by which, the State of Punjab has rejected the claim of the petitioner with regard to the grant of proficiency step up after rendering 16/18 years of service.

2. The petitioner, who appears in person, submits that the same benefit as claimed by him has been granted to two colleagues of the petitioner namely Sh. Vidya Sagar Seth and Rishi Dutt Sharma but his claim has been rejected by the respondents, which is arbitrary and illegal.

3. The petitioner further submits that without giving any reason as to why, the claim of the petitioner is not sustainable, the same has been



rejected by passing a totally cryptic and non-speaking order.

4. Learned counsel for the respondents submits that the entitlement of the petitioner as claimed in the representation was considered and was found not tenable and the same was rejected by the Government vide impugned letter dated 19.02.2015 (Annexure P-15) hence, the same may kindly be upheld.

5. I have heard the petitioner as well as learned counsel for the respondents and have gone through the record with their able assistance.

6. The claim of the petitioner is for the grant of proficiency step up after rendering 16/18 years of service in the cadre of Superintendent which claim was raised on the ground that the same benefit has been granted to the colleagues of the petitioner namely Sh. Vidya Sagar Seth and Rishi Dutt Sharma.

7. Once, a claim has been raised, the same needs to be decided by a speaking order as to what weighed with the mind of the authorities for not accepting the claim of the petitioner so that the petitioner could know as to whether, the said reasoning is valid or not in order to avail appropriate remedy against the decision taken by the authorities concerned.

8. As per the settled principle of law settled by the Hon'ble Supreme Court of India in ***Civil Appeal No.457 of 1970 titled as 'Mahabir Prasad Santosh Kumar v. State of U.P. and others', decided on 02.04.1970***, any executive order passed has to be a speaking order giving reasons for the decision to be arrived at. Relevant paragraphs of the said judgment are as under:-

"5. The case discloses a disturbing state of affairs. The authorities have disclosed by their conduct a reckless



disregard of the rights of the appellants. The order passed by the District Magistrate cancelling the licences was quasi-judicial; it could be made only on a consideration of the charges and the explanation given by the appellants. That necessarily implied that the District Magistrate had to give some reasons why he held the charges proved, and the explanation unacceptable. When the matter was carried in appeal, the State Government could at least have acted with some awareness that citizens have rights which must be protected against possible arbitrary action by subordinate officials. The District Magistrate is not made the final authority in cancelling the licence. The appellants had a right to carry on their business, and as they held a licence to carry on their business they could be deprived of their right by an executive order supported by good and adequate reasons. The relevant rules granted a right of appeal to the State Government against that order, and that implied that the aggrieved party must have an opportunity to convince the State Government that the order passed by District Magistrate was erroneous. That right could be effectively exercised if reasons be recorded by the District Magistrate and supplied to the aggrieved party. If the aggrieved party is not supplied the reasons, the right to appeal is an empty formality.

6. *From the materials on the record it cannot be determined as to who considered the appeal addressed to the State Government, and what was considered by the authority exercising power on behalf of the State Government. The practice of the executive authority dismissing statutory appeals against orders which prima facie seriously prejudice the rights of the aggrieved party without giving reasons is a negation of the rule of law. This Court had occasion to protest against this practice in several decisions : See Madhya Pradesh Industries Ltd. v. Union of India, (1966)1 SCR 466 (per Subba Rao, J.); Bhagat Raja v. Union of India, (1967)3 SCR 302; State of*



Madhya Pradesh v. Narsinghdas Jankidas Mehta, C.A. No. 681 of 1966, decided on 29-4-1969(SC); State of Gujarat v. Patel Raghav Nath, C.A. No. 723 of 1966, decided on 21-4-1969 and Prag Das UmarVaishya v. Union India, C.A. No. 657 of 1965, decided on 17-8-1967 (SC). The power of the District Magistrate was quasi-judicial : exercise of the power of the State Government was subject to the supervisory power of the High Court under Article 227 of the Constitution and of the appellate power of this Court under Article 136 of the Constitution. The High Court and this Court would be placed under a great disadvantage if no reasons are given, and the appeal is dismissed without recording and communicating any reasons."

9. In the present case, the order dated 19.02.2015 (Annexure P-15) is totally cryptic and non-speaking. The same is as under:-

“ To

*Registrar General,
Punjab and Haryana High Court,
Chandigarh.*

Sub: Grant of Proficiency step up on completion of 16 years of service as Assistant w.e.f. 3.6.996 instead of 1-9.1997.

Sir,

I have been directed to invite your attention towards your letter No.19661 Establishment.2/3-E dated 7-7-2014 and to inform you that the representation of Sh. Parmot Singh Patyal Superintendent (Retired) has been considered and filed. Besides it may be intimated to the Government as to from which date 16/18 years proficiency step up has been granted to Sh. Vidya Sagar and Sh. Rishi Dutt Sharma.

2. The service book of Shri Parmod Singh Patyal Superintendent (Retired) has been enclosed with this letter.

Encl. Service Book of employee.



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Yours faithfully,

Under Secretary (Home)”

10. From the perusal of the above, it is clear that no reason has been mentioned in the impugned letter dated 19.02.2015 (Annexure P-15) for filing the claim of the petitioner hence same cannot be upheld hence, the impugned order/letter dated 19.02.2015 (Annexure P-15) is set aside.

11. The respondent-State is directed to decide the claim of the petitioner afresh by passing a speaking order giving the reasons for the decision arrived at and the same be conveyed to the petitioner. Let fresh order be passed within a period of eight weeks from the date of receipt of copy of this order.

12. The present writ petition is allowed in above terms.

13. Civil miscellaneous application pending if any, also stands disposed of.

July 14, 2025

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No