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

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CWP-15551-2019 (O&M)  
Date of decision: 02.04.2025

Gursharan Singh

... Petitioner

Vs.

State of Punjab and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY**

Present : Mr. Harbans Lal Sharma, Advocate for the petitioner.  
Mr. Charanpreet Singh, AAG, Punjab.

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**AMAN CHAUDHARY, J. (ORAL)**

1. Prayer made in the present petition for quashing the order of dismissal dated 30.06.2014 as also the order passed by the Appellate Authority dated 31.08.2016.
2. Learned counsel submits that the petitioner was working as a Clerk and had rendered 19 years of service, whereafter due to his mother-in-law suffering from Typhoid applied for one day's leave on 01.11.2012, whereafter an extension upto 06.11.2012 and thereafter from 07.11.2012 on medical grounds as recommended by Medical Officers, Civil Hospital, Patti, Annexure P1. Even the petitioner got admitted in Civil Hospital, Patti and remained under treatment from 17.11.2012 to 26.05.2013 when he declared fit to join duties. The punishment imposed of dismissal from service for the absence of about 01 month and 5 days from 21.11.2012 to 27.12.2012, is disproportionate and without taking into account the fact that he had rendered 19 years of unblemished service. He had filed an appeal appending

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therewith the medial certificate dated 07.11.2012 (Annexure P1), medical certificates (Annexure P2 colly) and a representation dated 27.05.2013 (Annexure P4) requesting to join duties after declared fit by the Doctor followed by a representation dated 28.05.2013, however, he was not allowed to join duties. It was also stated in para 18 that the copy of enquiry report was not furnished to him and that it was also not conducted as per provisions of Sub Rule 8 of Rule 8 of the Punishment and Appeal Rules. The order of Appellate Authority shows that none of the aforesaid issues have been even noticed much less dealt with. Reliance is placed on the judgment passed in the case of **Krushnakant B. Parmar vs. Union of India and another**, 2012(2) SCT 572.

3. A perfunctory, mono-linear disposition, bereft of proper contemplation of facts and circumstances of a case, stands in brazen contravention of principles of natural justice, as eloquently expounded by Hon'ble the Supreme Court in **M/s Kranti Associates Pvt. Ltd. And Another vs. Masood Ahmed Khan and Others**, 2010(9) SCC 496, 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.

4. 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.

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5. As a fall out of the above, the impugned order dated 31.08.2016 is set aside and the Appellate Authority is directed to consider the matter afresh, in accordance with law, taking note of the grounds taken in appeal filed by the petitioner and pass a reasoned order, within a period of 6 months, after affording an opportunity of hearing to him.

6. Disposed of accordingly.

**02.04.2025**

ashok

**(AMAN CHAUDHARY)**  
**JUDGE**

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