



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Sr. No.113

CWP-2446-2025

Date of Decision: 13.02.2025

Yogesh Kumar

.... Petitioner

Versus

The State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Shalender Mohan, Advocate, for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

TRIBHUVAN DAHIYA, J. (ORAL)

The petition has been filed *inter alia* seeking a writ of *certiorari* quashing the order of punishment dated 27.07.2020, whereby penalty of stoppage of two annual increments with cumulative effect has been passed against the petitioner, as also the order dated 01.06.2022, received on 03.03.2023, passed by the appellate authority/second respondent, on the ground that it is non-speaking and consequently, not sustainable in the eyes of law.

2. It is apparent on record that the petitioner filed an appeal dated 28.09.2020, Annexure P-8, under Rule 9 of the Haryana Civil Services (Punishment and Appeal) Rules, 2016, before the second respondent against the order of punishment, dated 27.07.2020. The appellate authority, however, dismissed the same vide impugned order, dated 01.06.2022, recording as under:

Thus, keeping in view of the above said facts and circumstances, contents of appeal as well as the documents on record, it has been observed that the version of the appellant has already been considered by the Competent Authority while



passing the order No.5/2-2017 HRME-1 (6) dated 27.07.2020 and no new grounds/documents were preferred in the context of the present appeal.

3. Learned State counsel, on instructions, contends that the order was passed by affording an opportunity of personal hearing to the petitioner. She, however, is not in a position to dispute that the order is non-speaking, and does not consider any of the grounds raised in the appeal.

4. In view of the aforementioned facts, it is apparent that the appeal has been decided without passing a speaking order, or considering any of the grounds taken therein. The appellate authority has a duty to consider the grounds, discuss the evidence/material on record and pass a reasoned order. Accordingly, the impugned order passed in appeal, dated 01.06.2022, is set aside, with a direction to decide the petitioner's appeal, dated 28.09.2020, afresh in accordance with law within three months of receiving a certified copy of this order.

5. Petition stands disposed of in the aforesaid terms.

(TRIBHUVAN DAHIYA)
JUDGE

13.02.2025
Maninder

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