

(1986) 10 RAJ CK 0084
In the Rajasthan High Court
Case No : Civil Writ Petition No. 941 of 1986

Gurucharan Singh

APPELLANT

Vs

Rajasthan State Road Transport Corporation and Others

RESPONDENT

Date of Decision : 17-10-1986

Acts Referred:

Citation : (1987) WLN 24

Hon'ble Judges : A.K. Mathur, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Ashok Kumar Mathur, J.—The petitioner by this writ petition has challenged the orders Annexs. 2, 4 and 5 dated 6-4-1985, 15-7-1985 and 5-11-1985 respectively.

2. The petitioner after completion of the necessary training was appointed as Mechanic Grade-II on 6-9-1976 at Bikaner by the Rajasthan State Road Transport Corporation. He was confirmed on the post of Mechanic Grade-II w. e. f. 15-6-1978. The petitioner was transferred to Hanumangarh, Ajmer, Nagaur and in the year 1983 to Jhunjhunu. The petitioner was on casual leave from 4-1-1983 to 8-1-1983 and this leave was taken from the Assistant Mechanical Engineer, Jhunjhunu. After that the petitioner could not join his duties on account of his illness. After expiry of his leave a notice was published in the Rajasthan Patrika on 21-3-1983 for joining the petitioner on duty. The petitioner did not join his duties. Since the petitioner did not join his duties the petitioner was removed from service by the order dated 6-4-1983 by the Divisional Mechanical Engineer, Rajasthan State Road Transport Corporation vide Ex. 2. For some time the petitioner could not get the copy of the order of removal and he requested for supply of a copy of the removal order as he did not receive the same. On receipt of the copy of the removal order, the petitioner filed an appeal before the Chief Mechanical Engineer, Rajasthan State Transport Corporation, Jaipur. The appeal of the petitioner was rejected by the General Manager, (Operation),

Rajasthan State Road Transport Corporation, Jaipur on 15-7-1985. The copy of the same has been placed on record as Ex. 4. Thereafter, the petitioner also preferred a review petition and the same was also rejected on 5-11-1985, which is on record as Ex 5. Aggrieved against these orders, the petitioner preferred the present writ petition before this Court.

3. The contention of the learned counsel for the petitioner is that neither the order rejecting the appeal nor the order rejecting the review petition are speaking orders. It has been contended that the appellate authority did not care to look into the memo of appeal and without proper application of mind rejected the petitioner's appeal by a cursory order. Such action is highly arbitrary, illegal and should be set aside. Mr. Sharma, learned counsel opposed the petition.

4. I have gone through both the orders as well as the order rejecting the review petition and I am constrained to say that both the orders are thoroughly non-speaking orders. It has been emphasised by Hon'ble the Supreme Court and this High Court time and again that the appellate authority should at least pass a proper speaking order as to show the application of mind. But unfortunately the Rajasthan State Road Transport Corporation is absolutely ignorant about the proposition of law and repeatedly passing such slip shot orders without showing the application of mind. This State of affairs is highly undesirable. The authority should take note of it that while disposing of appeals etc. it should pass a speaking order so as to show that the authority has gone through the record and applied its mind properly.

5. The writ petition is allowed. The orders Annexs. 2, 4 and 5 are set aside. The respondents are directed to hear the petitioner and dispose of his appeal in accordance with law within a period of one month from today. The petitioner shall appear before the appellate authority on 10-11-1986.

6. The parties are left to bear their own costs.