

(2010) 03 SHI CK 0187

In the High Court Of Himachal Pradesh

Case No : Civil Writ Petition No. 1059 of 2003

Jagdish Chand

APPELLANT

Vs

Himachal Gramin Bank and Others

RESPONDENT

Date of Decision : 16-03-2010

Acts Referred:

Citation : (2010) 03 SHI CK 0187

Hon'ble Judges : Dev Darshan Sood, J

Bench : Single Bench

Judgement

Dev Darshan Sud, J.—The Petitioner challenges the dismissal of his appeal against the order dismissing him from employment. The factual matrix need not be discussed in detail as this writ petition is being disposed of on a point of law that the Appellate Authority which is the Board of Directors has simply disposed of the appeal filed by the Petitioner herein by a single terse one line order that it agrees with the findings of the Disciplinary Authority. The order reads:

The appeal was heard under the Chairmanship of Sh.B.P. Chopra, DGM, PNB, Zonal Office, Shimla. The detail of past conduct of Sh. Jagdish Chandel alongwith the detail of punishments awarded alongwith Charge Sheet, Enquiry Report and order of Disciplinary Authority was read and after thorough discussion agreed with the decision given by the competent authority of dismissal from Bank Service under Regulation No. 38(1)(b)(v) of Himachal Gramin Bank Officers and employees Service Regulations-2001 on 17.8.2001. Thus, Board declined the appeal of Sh. Jagdish Chandel.

2. To say the least, all that this order recites is that there was deep contemplation on the grounds urged by the Petitioner herein and it is only after such contemplation that the appeal has been dismissed.

3. This is not compliance with the Principles of Natural Justice. It is by now well established that any order affecting the rights of a party in any inquiry/ adjudication has to be by a reasoned order. Reasons need not be voluminous. It

is the quality of reasons which is to be tested on the anvil of Constitutionality. Merely saying that the case has been considered and rejected because the Appellate Authority agrees with the findings of the Disciplinary Authority is not sufficient. There should have been some indication as to the reasons why the grounds urged by the Petitioner do not arise for consideration or are contrary to the record etc. It is again well settled that in case Appellate Authority agrees with the Disciplinary Authority, it need not give extensive reasons. However, the conclusion of the appellate authority herein only shows the disposal of the appeal in a mechanical manner without application of mind. In these circumstances, this writ petition is allowed. Annexure-PG is quashed and set aside. The Appellate Authority shall reconsider the case of the Petitioner in accordance with law. This order will not entitle the Petitioner for reinstatement or any monetary benefit. An endeavour shall be made by the Appellate Authority to dispose of the appeal within a period not later than six months from the date on which he puts in appearance before the appropriate authority. The Petitioner shall be given an opportunity of being heard if he so desires. This writ petition is disposed of. There shall be no order as to costs.

4. Parties to appear before the Appellate Authority on 30th April, 2010.

5. All interim orders are vacated. All miscellaneous applications are disposed of.