

(2011) 01 SHI CK 0069
In the High Court Of Himachal Pradesh
Case No : CWP (T) No. 12223 of 2008

Ranjodh Singh

APPELLANT

Vs

Himachal Road Transport Corporation and Others

RESPONDENT

Date of Decision : 06-01-2011

Acts Referred:

Citation : (2011) 01 SHI CK 0069

Hon'ble Judges : Rajiv Sharma, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Rajiv Sharma, J.—Petitioner has already filed an appeal against the imposition of penalty. The same has been rejected by the appellate authority on 03.12.2003 (Annexure A-12) without passing a speaking /detailed order. It is now well settled that the order passed by the appellate authority must be speaking and reasoned. The appellate authority has to take into consideration all the grounds/pleas raised in the memorandum of appeal. There must be due application of mind while deciding a statutory appeal.

2. Their Lordships of the Hon''ble Supreme Court in Roop Singh Negi Vs. Punjab National Bank and Others, have held as under :

Furthermore, the order of disciplinary authority as also the appellate authority are not supported by any reason. As the orders passed by them have severe civil consequences, appropriate reasons should have assigned. If the enquiry officer had relied upon the confession made by the Appellant, there was no reason as to why the order of discharge passed by the criminal Court on the basis of selfsame evidence should not have been taken into consideration. The materials brought on record pointing out the guilt are required to be proved. A decision must be arrived at on some evidence, which is legally admissible. The provisions of the Evidence Act may not be applicable in a departmental proceeding but the principles of natural justice are. As the report of the enquiry officer was based on

merely ipse dixit as also surmises and conjectures, the same could not have been sustained. The inference drawn by the enquiry officer apparently were not supported by any evidence. Suspicion as is well known, however high may be, can under no circumstances be held to be substitute for legal proof.

3. In Chairman, Disciplinary Authority, Rani Lakshmi Bai Kshetriya Gramin Bank Vs. Jagdish Sharan Varshney and Others, their Lordships of the Hon''ble Supreme Court have held that the appellate authority must give reasons while affirming the order of lower authority. Their Lordships of the Hon''ble Supreme Court in G. Vallikumari Vs. Andhra Education Society and Others, have held that the disciplinary authority must record reasons while passing the order.

4. Accordingly, in view of the observations made hereinabove, the petition is allowed. Annexure A-12, dated 03.12.2003 is quashed and set aside. The appellate authority is directed to rehear the appeal filed by the Petitioner on 27.08.2003 and decide the same afresh in accordance with law by a speaking order within a period of two months from the date of production of certified copy of this judgment by the Petitioner. No costs.