
(2011) 04 P&H CK 0266
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 6381 of 2010

Ravinder Kumar Saini

APPELLANT

Vs

State of Punjab Electricity Board and Others

RESPONDENT

Date of Decision : 29-04-2011

Acts Referred:

Citation : (2011) 04 P&H CK 0266

Hon'ble Judges : Augustine George Masih, J

Bench : Single Bench

Judgement

Augustine George Masih, J.—Reply on behalf of the Respondents filed in Court, is taken on record. Copy given.

2. Counsel for the Petitioner has prayed in the present writ petition for quashing of the impugned orders dated 20.4.2009 (Annexure P-8) passed by the Deputy Secretary / Technical-II, Punjab State Electricity Board, Patiala and the order dated 2.2.2010 (Annexure P-11) passed by the Joint Secretary / Technical-II, Punjab State Electricity Board, Patiala.

3. Counsel for the Petitioner contends that both these orders passed by the Respondents are not in accordance with law. He further submits that the appeal preferred by the Petitioner has been rejected by the Appellate Authority-Respondent No. 3 while passing order dated 2.2.2010 (Annexure P-11) without considering the submissions, which had been made by the Petitioner in his appeal, preferred by him. He contends that as the Petitioner has preferred a statutory appeal, the Appellate Authority is required to pass a reasoned order as to why the grounds raised in the appeal are not acceptable or do not have merit. The appeal has been decided by a single word "rejected". He on this basis contends that the said order can not be sustained.

4. I have gone through the order dated 2.2.2010 (Annexure P-11) and find the contentions raised by the counsel for the Petitioner alone are correct. It is an admitted position that a statutory appeal, was preferred by the Petitioner. The

Appellate Authority is bound to pass a reasoned speaking order either accepting or rejecting the appeal of the employee. The decision is the prerogative of the authority concerned and similarly, it is the right of the employee to know the reasons for which such decision has been taken by the Appellate Authority. This, in this case is failing and absent. Therefore, the order does not pass the test of reasonableness and basic principles of the decision making.

5. Accordingly, the impugned orders dated 20.4.2009 (Annexure P-8) passed by the Deputy Secretary / Technical-II, Punjab State Electricity Board, Patiala and the order dated 2.2.2010 (Annexure P-11) passed by the Joint Secretary / Technical-II, Punjab State Electricity Board, Patiala are hereby set aside. The Appellate Authority, Respondent No. 3-Joint Secretary / Technical-II, Punjab State Electricity Board, Patiala is hereby directed to consider the appeal of the Petitioner afresh in accordance with law and preferably giving him a right of personal hearing, within a period of four months from the date of receipt of certified copy of this order.

6. It is made clear that no opinion has been expressed in the claim, which has been made by the Petitioner in the writ petition or the grounds, which he had raised for assailing the impugned orders and, therefore, the Appellate Authority should with an independent mind decide the appeal by passing a well reasoned speaking order.