



IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

CWP No. 8690 of 2026.

Decided on : 5th August, 2026.

Yash Pal

...Petitioner.

Versus

The H.P. State Cooperative Milk Producers Federation Ltd. & Anr.

....Respondents.

Coram:

The Hon'ble Mr. Justice Ajay Mohan Goel, Judge.

*Whether approved for reporting?*¹ Yes.

For the Petitioner:

Mr. Rakesh Kumar Dogra, Advocate.

For the respondents:

Mr. Vivek Singh Thakur, Advocate.

Ajay Mohan Goel, Judge (Oral).

Reply to the petition is stated to have been filed. Learned Counsel for the petitioner has made a copy thereof available for the perusal of the Court.

2. By way of instant petition, the petitioner has, inter alia, prayed for following reliefs:-

"i) That the impugned orders dated 03.03.2025 (Annexure P-14) passed by the disciplinary authority respondent No. 2 imposing major penalty upon the petitioner and appellate order dated 02.05.2026 (Annexure P-21) passed by the respondent No. 1 Board of Directors, upholding and confirming the punishment order passed by the Disciplinary Authority i.e; order No. HMF/HQ-III/PER-395/ 03-1386-1391

¹ Whether reporters of the local papers may be allowed to see the judgment?

dated 03.03.2025 may kindly be quashed & set-aside with all consequential benefits, being based on no evidence, wrong, illegal, arbitrary, non-speaking as well as unreasoned and violative of the principles of natural justice and inquiry procedures laid down under CCS (CC&A) Rules, 1965, by issuing a writ of Certiorari and justice be done;

(ii) That a writ in the nature of mandamus may kindly be issued, directing the respondents to take cognizance of the allegations of financial irregularities of Rs.2.45 crores, which amount is alleged to have been usurped by the officers & officials concerned of the Mandi Unit at Chakkar and get the matter inquired into by initiating disciplinary action against the erring officers/officials as quickly as possible in order to vacate the discriminatory treatment meted out to the petitioner and justice be done;"

3. The facts necessary for the adjudication of this petition are that disciplinary proceedings were initiated against the petitioner and the Disciplinary Authority vide order Annexure P-14, dated 03.03.2025, imposed penalty of withholding of one increment with cumulative effect upon him. Feeling aggrieved, the petitioner preferred an appeal. Said appeal was decided by the Chairman of the respondent-Federation vide order dated 3.01.2026 (Annexure P-18), which was assailed by the petitioner by way of CWP No. 2608 of 2026, titled Yashpal Vs. The Himachal Pradesh State Co-operative

Milk Producers' Federation Limited & another, which was decided by this Court vide judgment dated 11.03.2026 Annexure P-20). In terms of this judgment, the order passed by the Chairman of the respondent-Federation was set aside on the ground that the Competent Authority to decide the appeal was the Board of Directors and not the Chairman. Liberty was given to the respondent-Federation to decide the appeal in accordance with law. Thereafter, the impugned order has been passed by the Board of Directors dismissing the appeal of the petitioner, which stands communicated to him vide Annexure P-21, dated 02.05.2026, which reads as under:-

Subject: Decision of Appeal in compliance of Hon'ble High Court order dated 11.03.2026.

In continuation of the proceedings arising out of your appeal against the punishment order dated 03.03.2025, and in compliance with the directions passed by the Hon'ble High Court of Himachal Pradesh in CWP No. 2608 of 2026 decided on 11.03.2026, the matter was placed before the Board of Directors.

The Board of Directors, in its 159th Meeting vide resolution No. 2114/2026 after due consideration of the records and submissions, has decided the appeal and taken the following decision in the matter:-

"After affording an opportunity of personal hearing to the appellant and upon careful examination of the records, including the disciplinary authority's order, grounds of appeal,

and available evidence, observed that due procedure was followed and the charges against the appellant stand duly proved. Accordingly, the Board found no merit in the appeal and resolved to uphold and confirm the order passed by the Disciplinary Authority i.e. order No. HMF/HQ-III/PER-395/03-1386-1391 dated 03.03.2025"

This is for your information."

4. Having heard Learned Counsel for the parties and having perused the petition as well as the reply and the documents appended therewith, this Court has no hesitation in holding that even the order, which has now been passed by the Board of Directors is bad in law, as the same is a non-speaking order. This Court has also gone through the minutes of the meeting of the Board of Directors and perusal thereof also demonstrates that the case of the petitioner was discussed under *Item No. 159.12* and the reasoning which is contained in Annexure P-21 is assigned in the minutes of meeting also to dismiss the appeal.

5. A perusal of this order demonstrates that it is completely a non-speaking order. There is no discussion therein of the facts of the case, the grounds of appeal raised by the petitioner against the order passed by the disciplinary authority and why the Board of

Directors was not concurring with the contention of the petitioner or why the Board of Directors was concurring with the findings returned by the Disciplinary Authority. This Court is not suggesting as to what order should have been passed by the Board of Directors. All that this Court is observing is that while performing its duty as a Quasi-judicial Authority, the Board of Directors is required to pass, both a speaking as well as a reasoned order. This is for the reason that the order itself should be self-speaking as to why the findings which have been arrived at therein stand arrived at. An order bereft of any reasoning is like a body which is bereft of any soul. In absence of reasoning being there in the order as to why the conclusion arrived at, has been arrived at, it is extremely difficult either for the Superior Court to go into the mind of the quasi-judicial authority as to why the order was passed or for that matter, even for the parties which are aggrieved by the same, to assail the same, because such a party itself is at loss as to on what count such a non-speaking and an unreasoned order is to be assailed.

6. Therefore, in the light of the above discussions, this writ petition is allowed. Annexure P-21 as also the order passed by the

Board of Directors on the appeal of the petitioner are quashed and set aside. The Board of Directors is called upon to decide the appeal afresh after hearing the petitioner and by passing a reasoned and a speaking order. Pending applications, if any, also stand disposed of.

(Ajay Mohan Goel)
Judge

5th August, 2026.
(jai)