

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

CWP No.: 8336 of 2011.

Decided on: 21.09.2011.

Dule Ram.

... Petitioner.

Versus

State of Himachal Pradesh and others.

... Respondents.

Coram

The Hon'ble Mr. Justice Kurian Joseph, C.J.

The Hon'ble Mr. Justice Rajiv Sharma, J.

For the petitioner : Mr. H.K. Paul, Advocate.

For the Respondents : Mr. R.K. Bawa, Advocate General
with Mr. Ankush Dass Sood,
Additional Advocate General and
Mr. J.K. Verma, Deputy Advocate
General.

Justice Kurian Joseph, C.J. (Oral):

CMP No.9705 of 2011.

Allowed. The application stands disposed of.

CWP No.8336 of 2011.

The issue raised in this writ petition pertains to disciplinary proceedings initiated against the petitioner culminating in removal from service. Since the petitioner has pursued the remedy by way of appeal before the competent authority, this Court vide judgment dated May 25, 2011, Annexure P-13 directed

the competent authority to consider the appeal on merits after affording opportunity of hearing to the petitioner. Pursuant thereto, Annexure P-14, order dated 2.9.2011 has been passed in a laconic manner. The order reads as follows:-

"In exercise of power vested in me vide CCS CCA Rule 1965 under Rule 27(2) (1) the penalty of removal from Govt. Service imposed by the Executive Engineer IPH Division Anni vide his office order No.EE-IDA- Dula Ram Beldar/2010-13230-37 dt 28-02-2011 being disciplinary authority upon Sh Dula Ram Beldar is hereby confirmed by the undersigned being Appellate authority in the gravity of case."

2. We are afraid that the order does not satisfy the requirement of law. The petitioner has been pursuing the remedy of statutory appeal in respect of the disciplinary action initiated against him culminating in his removal from service. He had taken several grounds in the appeal. The appellate authority has to apply its mind to all the grounds and pass a speaking and self contained order on merits in respect of each ground taken in the appeal. That alone will be an appropriate order in the eyes of law.

3. In view of the above discussion, order dated 2.9.2011, Annexure P-14 is set aside with a direction to the appellate authority to consider the matter afresh in the light of the observations made in this judgment and pass an appropriate order, positively within one month from the date of production of copy of this judgment alongwith a copy of the petition by the petitioner

before the appellate authority. The pending application(s), if any, also stands disposed of.

Copy dasti.

**(Justice Kurian Joseph),
Chief Justice.**

**(Justice Rajiv Sharma),
Judge.**

September 21, 2011.
(sck/hl).