

**CENTRAL ADMINISTRATIVE TRIBUNAL****CHANDIGARH BENCH****O.A. No.060/00125/2020**

Chandigarh, this the 07th February, 2020

HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)

Nidhi Sinha W/o Sh. Yash Pal Singh, aged 29 years, Emp Code PGIPER00009454, office of Medical Superintendent, Post Graduate Institute of Medical Education & Research (PGIMER), Sector 12, Chandigarh-160024 Resident of House No. 2285, Golden Enclave, Sector 49-C, Chandigarh – 160048 (Group C)

....Applicant

(BY: MR. ROHIT SHARMA, ADVOCATE)

Versus

1. Post Graduate Institute of Medical Education & Research (PGIMER), Sector 12, Chandigarh-160024 through its Director -160012.
2. The Medical Superintendent, Post Graduate Institute of Medical Education & Research (PGIMER), Sector 12, Chandigarh – 160024.

... .Respondents**O R D E R(Oral)****SANJEEV KAUSHIK, MEMBER (J):**

1. Applicant lays challenge to order dated 08.01.2020 (Annexure A-1) whereby her request for grant of Child Care Leave (CCL) for 12 months from 27.12.2019 to 27.12.2020 has been rejected.
2. Heard.
3. The solitary contention raised by the learned counsel for the applicant is that the impugned order is non-speaking



as it does not contain any reason for rejection of the request of the applicant, therefore, it is contrary to OM dated 11.09.2008 (Annexure A-3). He, therefore, prayed that the impugned order is liable to be quashed. He further prayed that the respondents be directed to re-consider the claim of the applicant and decide the same by passing a reasoned and speaking order.

4. This Court opined, in a number of cases, that any adverse order passed by the administrative authority shall carry reasons which weighed with the authority so that the aggrieved employee could challenge the same before the Court of Law on valid grounds available to him/her. It is a well settled law that not only judicial but administrative order also must be supported by the reasons recorded in it. The absence of reason makes an order unsustainable. It is also treated as a part of natural justice and fair play, as has been held by the Hon'ble Supreme Court in the case of **Raj Kishore Jha Vs. State of Bihar**, (2003) 11 SCC 519. The reason is heartbeat of every order which is missing in the impugned order. Therefore, the impugned order is quashed and set aside. The respondents are directed to re-consider the request of the applicant for grant of CCL and decide the same in accordance with the rules by passing a reasoned and speaking order, within a period of one month from the



date of receipt of a copy of this order and a copy thereof be duly communicated to her.

5. Needless to mention that the disposal of the O.A. shall not be construed as an expression of any opinion on the merit of the case. No costs.

**(Sanjeev Kaushik)
Member (J)**

Place: Chandigarh
Dated: 07.02.2020

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