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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 260/00175 of 2015
Cuttack, this the 13th day of April, 2015

CORAM
HON'BLE MR. A.K. PATNAIK, MEMBER (J)

.....
Pradip Kumar Sethy,
aged about 38 years,
S/o Madhusudan Sethy,
At/PO- Sarei, Via-Champua,
Dist. Keonjhar-758041.

...Applicant

(Advocates: M/s. N.R.Routray, Smt. J. Pradhan, T.K.Choudhury, S.K.Mohanty)

VERSUS

Union of India Represented through

1. Secretary,
Ministry of Communication & IT,
Department of Post, Dak Bhawan,
Sansad Marg, New Delhi-110016.
2. Chief Post Master General,
Odisha Circle, At/PO-Bhubaneswar,
Dist-Khordha.
3. Superintendent of Post Offices,
Keonjhar Division, Keonjhar Garh,
Keonjhar-758001.
4. Purusottam Karua,
Son of Sushil Kumar Karua,
At/PO- Sarei, Via/PS-Champua,
Dist. Keonjhar-758041.

... Respondents

(Advocate: Mr. A.K.Mohapatra)

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Alles

ORDER (ORAL)

A.K.PATNAIK, MEMBER (JUDL.):

Heard Mr. N.R.Routray, Learned Counsel for the Applicant, and Mr. A.K.Mohapatra, Ld. Addl. Central Govt. Standing Counsel appearing for the Respondents, on whom a copy of this O.A. has already been served, and perused the materials placed on record.

2. Mr. Routray, at the outset, brought to my notice the order of rejection dated 23.02.2015 against the representation preferred by the applicant on 11.02.2015, which has been annexed under Annexure-A/6. I find that the points raised by the applicant in his representation dated 11.02.2015 has not been considered properly while passing order dated 23.02.2015 as at Annexure-A/7, which has been challenged in this O.A.

3. Having considered the submissions, perused the records especially the representation submitted by the applicant vis-à-vis the order of rejection. I find that the applicant has raised many points in support of his relief but the Respondents turned down the prayer of the applicant in a cryptic order. Progress is achieved when there is good governance and good governance depends on how law is implemented. The word 'consider' is of great significance. The dictionary meaning of the same is 'to think over' 'to regard as' or 'deem to be' .Hence there is a clear connotation to the effect that there must be active application of mind. In other words, the term consider postulates consideration of all relevant aspects of a matter. Thus formation of opinion by the authority should reflect intense application of mind with reference to the points raised and material available on record. The order of the authority itself should reveal such application of mind. The object underlying the rules of natural justice is to prevent miscarriage of justice and secure fair play in action. The expanding horizon of the principles of



natural justice provides for requirement to record reasons as it is now regarded as one of the principles of natural justice and it is trite law that even where the requirement to record reasons is expressly or by necessary implication dispensed with, the authority must record reasons for its decision as per the judgment of the Hon'ble Supreme Court of India in the case of **S.N. Mukherjee vs Union of India (AIR 1990 SC 1984)**. Further it is trite law that an order which is not valid from the beginning cannot be revalidated by the reason subsequently provided in the counter. Since in the instant case rejection of representation appears to be without any reason thereby meeting/answering all the points raised by the applicant in his representation I do not see any reason to keep this matter pending by way of inviting counter.

4. Keeping in mind the aforesaid dicta of the Hon'ble Supreme Court of India as well as well settled proposition of law, I quash the order dated 23.02.2015 and remand the matter back to Superintendent of Post Offices, Keonjhar Division, i.e. Respondent No.3, to reconsider the representation of the applicant and pass a reasoned and speaking order by taking into account all the points raised in the representation and communicate the same to the applicant within a period of 45 days from the date of receipt of a copy of this order.

5. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.

6. On the prayer made by Mr. Routray, Learned Counsel appearing for the applicant, copy of this order, along with paper book, be sent to Respondent No. 3 by Speed Post for which he undertakes to file the postal requisites by 15.04.2015.


(A.K.PATNAIK)
MEMBER(Judl.)