

2014

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CHANDIGARH BENCH**

...

**ORIGINAL APPLICATION NO. 060/01017/2014  
Chandigarh, this the 13<sup>th</sup> day of August, 2015**

...

**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)  
HON'BLE MS. RAJWANT SANDHU, MEMBER (A)**

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Ms. Tripta Rani, wife of late Sanjay Kumar, Clerk, Integrated Child Development Services, Project-I, Chandigarh, O/o the Director, Social Welfare Department Chandigarh, Chandigarh Administration, Chandigarh.

...APPLICANT

BY ADVOCATE: SHRI SURINDER SINGH DUHAN

VERSUS

1. Union of India through its Secretary, Department of Social Welfare, Chandigarh Administration, U.T. Chandigarh.
2. Secretary, Finance Department, Chandigarh Administration, U.T. Chandigarh.
3. Director, Social Welfare Department Chandigarh, Chandigarh Administration, Chandigarh.

...RESPONDENTS

BY ADVOCATE: SHRI K.K. THAKUR

**ORDER (oral)****HON'BLE MR. SANJEEV KAUSHIK, MEMBER(J):-**

Heard the learned counsel for the parties.

2. The present O.A. is directed against an order dated 28<sup>th</sup> August, 2014, whereby the request of the applicant for grant of higher pay-sale has been rejected, in terms of an advice dated 20.08.2014. Though the applicant has challenged the impugned order on various grounds, but the main contention for invalidation is that the same is non-speaking as the respondents have not spelt out the reasons for declining his request for grant of higher pay-scale.

3. Upon notice, the respondents represented through Shri K.K. Thakur, Advocate entered appearance. He was not in a position to rebut the arguments raised by the learned counsel for the applicant that the order is non-speaking. He, however, submitted that the respondents have considered the matter in detail and then passed the impugned order. He admitted that the order is non-speaking as it does not contain the reasons. He further submitted that the respondents be granted an opportunity to pass a fresh order by

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giving the reasoning in detail for not accepting the request of the applicant.

4. Considering that the impugned order is a non-speaking one, we can not approve the same in its present form because it is settled law that failure to give reasons amounts to denial of justice. The administrative authority that is discharging quasi judicial duty is required to give reasons while rejecting any claim. Because, if the reasons are given, then it will be easier for the applicant to challenge the order effectively before the Court of law by concentrating only on those points which did not find favour with the authority. Even in respect of administrative orders Lord Denning M.R. in Breen v. Amalgamated Engg. Union (1971) 1 All ER 1148, observed: "The giving of reasons is one of the fundamentals of good administration." In Alexander Machinery (Dudley) Ltd. v. Crabtree 1974 IC 120 (NIRC) it was observed: "Failure to give reasons amounts to denial of justice. Reasons are live links between the minds of the decision-taker to the controversy in question and the decision or conclusion arrived at". Reasons substitute subjectivity by objectivity. The law laid down by the lordships of Hon'able Supreme Court in the case of Raj Kishore Jha versus State of Bihar & Others, 2003 (11)SCC 519 again reiterated in Ram Phal Vs. State of Bihar.

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Haryana, 2009 (3) SCC 258, decided on 06.02.2009 states that "reason is the heartbeat of every conclusion. Without the same, it becomes lifeless."

5. In view of above, the present O.A. is allowed. The impugned order is quashed and set aside. The matter is remanded back to the respondents with a direction to pass a fresh order by recording the reasons for declining the claim of applicant for grant of higher pay-scale, within a period of three months from the date of receipt of a certified copy of this order. The order so passed be communicated to the applicant.

**(SANJEEV KAUSHIK)  
MEMBER(J)**

**(RAJWANT SANDHU)  
MEMBER(A)**

**Dated: 13.08.2015  
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