

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

CP No.325/2016 in OA No.4387/2015

This the 24th day of November, 2016

**Hon'ble Shri Justice Permod Kohli, Chairman
Hon'ble Shri Shekhar Agarwal, Member(A)**

Shri R S Ranga
S/o Late Shri Birkha Ram
Aged about 61 years
R/o C-668, Vikaspuri, New Delhi
(Now retired as Motor Licensing Officer on 29.02.2016 from
the service of the Transport Department, Govt. of N.C.T.
Delhi)Applicant

(Through Advocate: Dr. H B Mishra)

Versus

Shri K K Sharma, Chief Secretary
Govt. of NCT, Delhi
New Secretariat near Indira Gandhi Stadium
I.P. Estate, New Delhi. ...Respondents

(By advocate: Ms. Harvinder Oberoi)

Order (oral)

Justice Permod Kohli, Chairman

Vide Order dated 03.12.2015 passed in OA No. 4387/2015 following directions were issued:-

"3. In view of the aforesaid limited prayer made by the learned counsel for the applicant, without entering into the merits of the case, we dispose of this OA at the admission stage, without issuing notice to the respondents, with a direction to Respondent No.2, Chief Secretary to the Govt. of NCT of Delhi to decide representation-cum-appeal dated 9.4.2013 (Annexure-J) within 60 days from the date of

receipt of a certified copy of this order, by passing a speaking and reasoned order and to communicate the same to the applicant."

2. Shri Hanu Bhaskar, learned counsel appearing for the respondents has today placed on record compliance affidavit on behalf of the respondents accompanied with a copy of order dated 03.10.2016. We have perused the order. The respondents have passed a reasoned order. Learned counsel for the applicant, however, submits that the order does not contain any reason. He further submits that the order is incompetent, suffers from bias, dishonesty and there is no application of mind and the same has been passed in a mechanical manner.
3. We are not in agreement with the submissions made by the learned counsel for the applicant. The only direction by this Tribunal was to dispose of the representation of the applicant by a reasoned and speaking order. We find that the respondents have recorded the following reasons while rejecting the representation of the applicant:-

"And whereas, the records placed before me do not indicate that the Transport Department had considered the possession of HMV licence for 5 years as equivalent to 5 years experience of driving all types of vehicles in respect of the 4 officials mentioned in the representation dated 24.06.2016 filed by Sh. R.S. Ranga.

And whereas, it needs to be reiterated that in the order dated 09.04.2002 of the Hon'ble Delhi High Court in CPW 1287/99, the Hon'ble Court had pointed out that the DPC held on 09.09.1992 had recommended that the service of Sh. Ranga may be regularised to the post of DTI with immediate effect subject to withdrawal of the case filed by him in the CAT. R.S. Ranga had accordingly withdrawn the case filed in CAT and it was dismissed as withdrawn.

And whereas, I find no reasons/grounds to disagree with the observation of Commissioner, Transport in his order dated 28.01.13 that experience of Heavy Motor Vehicles, gained through driving such vehicles, before and after office hours, cannot be said to meet the purpose of RRs and cannot be considered as an experience of driving of all types of vehicles.

Now, therefore, in view of the above discussion, I am of the considered view that the representation of Sh. R.S. Ranga is devoid of any merit and deserves to be rejected. The representation is disposed off accordingly."

4. It is a settled law that recording reasons or passing a speaking order by an administrative authority does not mean that they have to pass a judgment like a court. The reasoned order only means that the thought process of the authority should be disclosed. We find that there is due application of mind by the authority and its thought process is also disclosed and the reasons for rejection of the representation have been indicated. It is sufficient compliance of the judgment. In so far the submissions of learned counsel for the applicant that the order passed by the respondents is incompetent or suffers from *bias* or

malafide, it is not within the domain of the court in contempt proceedings to examine all these things. If the applicant has any such grievance that the order has not been passed fairly, he is entitled to seek remedial measures available under law. Therefore, the present contempt proceedings are dropped. Notice issued to the alleged contemnor is discharged.

(Shekhar Agarwal)
Member(A)

(Justice Permod Kohli)
Chairman

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