

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

OA No. 063/00099/2016

Date of decision- 10.01.2018

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**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)
HON'BLE MRS. P. GOPINATH, MEMBER (A)**

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Ranjana Devi aged 22 years D/o Sh. Amar Nath, resident of Village Baroh, P.O Mair and Tehsil Nadaun, District Hamirpur, H.P.

...APPLICANT

BY ADVOCATE : Mr. Narinder Sharma.

VERSUS

1. Union of India through Secretary (Defense) Ministry of Defense, New Delhi.
2. Under Secretary, Staff Selection Commission, Block No. 12 CGO Complex Lodhi Road, New Delhi 110091.
3. Deputy Regional Director, Staff Selection Commission, NWR Block 3 Ground Floor Kendriya Sadan, Sector 9, U.T, Chandigarh 167017.
4. Commanding Officer, Training Centre SSB, Sapri, P.O. Jwalamukhi, District Kangra, H.P.

...RESPONDENTS

BY ADVOCATE: Ms. Nidhi Garg.

ORDER (ORAL)

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SANJEEV KAUSHIK, MEMBER(J):-

The applicant is aggrieved against the order dated 26.08.2016 (Annexure A-9) and impugned opinion dated 11.05.2016 (Annexure A-6) whereby the respondents have cancelled the candidature of applicant for appointment as Constable (GD) in Central Armed Police Forces on the ground that the applicant is not medically fit as per the standard prescribed in advertisement dated 24.01.2015.

2. Mr. Narinder Sharma, learned counsel for the applicant submitted that in terms of clause III of advertisement in which condition has been prescribed for medical examination, does not talk of disease which the applicant is having and has wrongly been non-suited for appointment. He submitted that impugned order simply indicates that she is unfit due to the disease of vitiligo but does not spell out any reason as to why she has been made handicapped for the post due to her disease which has not been prescribed in the notice, therefore, impugned order is non-speaking and the same is liable to be quashed. The respondents be directed to pass a fresh order by giving reasons.

3. Ms. Nidhi Garg, learned counsel for the respondents is not in position to defend Annexure A-6 and has reiterated what has been stated in the written statement. She also argues that similar disease which the applicant is having has been included in the list of disease and those sufferer cannot be offer appointment.

4. We are in agreement with the submissions made at the hands of the applicant that this petition deserves to be allowed and impugned order is liable to the quashed being non speaking. Perusal of impugned order makes it clear that the authorities have cancelled candidature of the applicant only on the ground that the applicant is suffering with vitiligo disease but did not indicate the policy decision taken by the respondents to this effect that those who are suffering from this disease cannot be offer appointment to the post of Constable. The accrued right cannot be taken away by passing non speaking order. Merely giving reasons in written statement to support the case of the respondents will not improve the impugned order. It is settled law of land that order taking away the valuable right of the

person must be reasoned so that he/she against whom order has been passed came to know the mind of the respondents in not accepting his/her claim. This is so held by 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 mind of the decision-taker to the controversy in question and the decision or conclusion arrived at".

5. Having deeply considered the crux of the pleaded/projected ground and in the light of the aforesaid prismatic reasons, we are left with no other option but to quash the impugned order. The matter is remitted back to the respondents to pass afresh speaking order by giving reasons. Let the above exercise be carried out within a period of 6 weeks from the date of receipt of a certified copy of the order.

5. The present O.A is disposed of in above terms. No costs.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 10.01.2018

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