

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

ORIGINAL APPLICATION NO. 060/01049/2018

Chandigarh, this the 15th day of January, 2019

...

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

...

Amit Kapoor aged 39 years. s/o Sh. Sat Pal Kapoor, JBT Teacher, Government High School, Daria (UT) Chandigarh (Group-C), 160101.

....APPLICANT

(By Advocate: Shri Madhav Pokhrel)

VERSUS

1. Union Territory Chandigarh, Department of School Education, Chandigarh Administration through its Secretary, U.T. Secretariat, Sector 9, Chandigarh-160009.
2. Director Public Instructions (s), Chandigarh Administration, Additional Deluxe Building, First Floor, Sector 9, Chandigarh-160009.
3. Rajesh Kumar son of Sh. Raghunath, JBT Teacher, Government High School, Mauli Colony, Chandigarh-160102.

....RESPONDENTS

(By Advocate: Shri Navmhit Singh)

ORDER (oral)

SANJEEV KAUSHIK, MEMBER (J)

Reply filed today in Court is taken on record, subject to all just exceptions.

2. The present Original Application has been filed where the applicant has impugned order dated 17.7.2017 (Annexure A-7) whereby his representation for stepping up of his pay at par his junior Mr. Rajesh Kumar has been turned down.

3. Alongwith the O.A. the applicant has also filed M.A. No. 060/01327/2018 for condonation of delay in filing the accompanying O.A.

4. On notice, the respondents have filed reply.

5. We have heard the learned counsel for the parties on the application for condonation of delay.

6. The counsel representing the applicant submits that the impugned order is not speaking order as it does not disclose the application of mind by the respondents because the applicant submitted a detailed representation for redressal of his grievance, but the respondents have not considered the grounds taken in his representation and claim of the applicant has been rejected without a speaking order. He also submitted that there is no delay in approaching this Tribunal as the impugned order rejecting the claim of applicant is dated 17.7.2018 and in any case it is a recurring cause of action. Therefore, he submitted that the impugned order be quashed and set aside by directing the respondents to reconsider the case of applicant by deciding his representation afresh.

7. After careful consideration of the matter, we are in agreement with the submission made at the hands of the applicant that the impugned order is non-speaking. The respondents have not answered the query raised by the applicant for stepping up of his pay at par his junior. Failure to give reasons amounts to denial of justice. Even the administrative 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.

8. In the wake of above, the impugned order is quashed and set aside. The matter is remitted back to the Competent Authority to decide the claim of the applicant by passing a reasoned and speaking order thereon, under intimation to the applicant. Needless to mentioned, we have not expressed any opinion on merits of the case.

**(P.GOPINATH)
MEMBER (A)**

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

Dated: 15 .01.2019
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