

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

O.A. No.60/247/2018

Date of decision: 20.05.2019

CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J).

Mandip Singh, aged 27 years, S/o Late Sh. Vipan Kumar, R/o 278/1, Circular Road, Ambala City. Group C.

...APPLICANT

VERSUS

1. Union of India through the General Manager, Northern Railway, Baroda House, New Delhi.
2. General Manager, DMW, Northern Railway, Patiala.
3. Chief Personnel Officer, Diesel Loco Modernisation Works, Patiala-147003.

...RESPONDENTS

PRESENT: Sh. Sandeep Siwatch, counsel for the applicant.

Sh. G.S. Sathi, counsel for the respondents.

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J):-

1. Present O.A. has been filed by the applicant impugning orders dated 16/23.6.2017 and 13.6.2017 (Annexure A-1), whereby his claim for appointment on compassionate grounds has been rejected. He has further sought issuance of a direction to the respondents to decide his pending legal notice dated 10.7.2017 (Annexure A-9) by passing a reasoned and speaking order.
2. Facts are not in dispute.
3. Sh. Sandeep Siwatch, learned counsel for the applicant vehemently argued that the impugned order (Annexure A-1) is non-speaking and shows non-application of mind by the authorities while rejecting to consider claim of the applicant for appointment. He submitted that in reply to O.A. respondents have taken several grounds for rejecting his claim but since no reason has been spelt out in the order rejecting claim of the employee, then that cannot be improved subsequently by passing

a supplementary order or filing affidavit/written statement in the case where such order has been challenged on the ground of being non-speaking. Thus, he argued that the impugned order be quashed.

4. Though, learned counsel for the respondents tried to impress upon Court that there are valid reasons for rejecting claim of the applicant but he is not in a position to support the impugned order because it does not contain any reason, therefore, he prayed that respondents may be given an opportunity to pass fresh order after considering representation of the applicant followed by legal notice by passing a reasoned and speaking order.
5. In the wake of the projected ground that order is non-speaking as it does not contain reason, much less cogent reasons, the order cannot sustain. Merely giving reason in written statement will not make impugned order valid. This is so held in case of **Mohinder Singh Gill & Anr. vs. Chief Election Commissioner & Ors.**, AIR 1978 SC 951. Accordingly, impugned order is quashed and set aside. Respondents are directed to pass a reasoned and speaking order after considering legal notice/representation of the applicant in accordance with law, within a period of two months from the date of receipt of a certified copy of this order.
6. The O.A. stands disposed of in the above terms. The disposal of the O.A. in above terms may not be construed as an expression of any opinion on the merit of the case. No costs.

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

Date: 20.05.2019.
Place: Chandigarh.

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