

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CHANDIGARH BENCH**

...

**O.A. No.60/12/2019**

**Date of decision: 09.01.2019**

...

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

...

Sucha Ram (Retired SSE/W/JUDW-II) aged 60 years son of Tulsi Ram, resident of P-117, Amaltas Enclave, Bhattian Bet, Ludhiana-141008.

**... APPLICANT**

**VERSUS**

1. The Union of India through its General Manager, Northern Railway, Baroda House, New Delhi-110001.
2. Senior Divisional Personnel Officer, Northern Railway, Ambala Cantt.133001.
3. The Divisional Railway Manager, Northern Railway, Ambala Cantt.- 133001.

**... RESPONDENTS**

**PRESENT:** Sh. G.P. Vashisht, counsel for the applicant.

**ORDER (Oral)**

...

**SANJEEV KAUSHIK, MEMBER (J):-**

1. By means of the present O.A., the applicant assails order dated 29.11.2018 (Annexure A-3), whereby respondents have rejected his representation for grant of notional increment for the period 01.7.2017 to 30.6.2018.
2. Heard Sh. Vashisht, who vehemently argued that the impugned order is non speaking and liable to set aside. He submitted that the issue for grant of one notional increment has came for consideration before the High Court of Madras in the case of **P. Ayyamperumal vs. UOI & Ors.** (W.P. No.15732 of 2017), which was decided on 15.9.2017,

wherein the similar plea was raised that the person who is retiring on 30<sup>th</sup> of June is entitled to one increment on completion of one year on 1<sup>st</sup> July of each year, though he retired prior in time. He submitted that this view has also been upheld upto the Hon'ble Supreme Court where SLP filed at the hands of Govt. of India has been dismissed. Despite that, representation of the applicant has been rejected by a non-speaking order, therefore, he prayed that the same be set aside.

3. Issue notice to the respondents.
4. Sh. Lakhinder Bir Singh, Advocate, accepts notice and prayed that one month's time may be granted to the respondents to reconsider case of the applicant in the light of ratio in the relied upon case.
5. Considering that the impugned order is non-speaking as it does not contain reasons as to why applicant cannot be given benefit as given in the relied upon case. As it is law of the land that the reasons are back bone of the order and good governance. Failure to give reason 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 to the authority.
6. 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 ICR 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". Reasons substitute subjectivity by objectivity. The law laid down by the lordships of Honourable Supreme Court in the case of **Raj Kishore Jha versus State of Bihar & Others**, 2003(11) CC 519 has again be reiterated in **Ram Phal Vs. State of Haryana**, 2009(3) SCC 258, decided on 6.2.2009 stating that "reason is the heartbeat of every conclusion. Without the same, it becomes lifeless".

7. In the wake of the above noted facts and law, the impugned order is quashed. Matter is remitted back to the respondents to reconsider the case of applicant and to pass a reasoned and speaking order within a period of one month from the date of receipt of a certified copy of this order.
8. Disposal of the O.A. in the above terms shall not be construed as an opinion on the merit of the case.

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

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

Date: 09.01.2019.  
Place: Chandigarh.

'KR'