

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT SITTINGS: BILASPUR

Original Application No.203/00318/2019

Bilaspur, this Wednesday, the 20th day of November, 2019

HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER
HON'BLE SHRI B.V. SUDHAKAR, ADMINISTRATIVE MEMBER

Ashish Lakara
Son of Khistgofar Lakara,
aged about 24 years
R/o Rajkishore Nagar,
Postal Colony,
Bilaspur District
Bilaspur (C.G.) 495001
Mobile No.9425291950

-Applicant

(By Advocate-None)

V e r s u s

1. Union of India,
Through Postmasters General
Raipur,
District Raipur (C.G.) 490042

2. Superintendent of Post Office
Bilaspur Division,
District Bilaspur (C.G.) 495001

- Respondents

(By Advocate-**Shri Vivek Verma**)

O R D E R (Oral)

By Ramesh Singh Thakur, JM:-

The applicant has filed M.A. No.203/542/2019 for condoning the delay in filing this Original Application. In view of the reasons given in the said application, M.A. is allowed. Delay is condoned.

2. Through this Original Application the applicant is challenging the validity of order dated 20.01.2016 (Annexure A-1) passed by the respondent No.1, whereby the application for appointment on compassionate ground has been rejected without assigning any proper reason.

3. The applicant has sought for the following reliefs:-

“8.1 That, this Hon’ble Court may kindly be pleased to allow the petition filed by the applicant and be pleased to direct the respondent authorities to grant the compassionate appointment to the applicant in place of his mother late Smt. E/ Lakara, who expired on 19-07-2014 during the service period.

8.2 That, any other relief may also be awarded in favour of applicant under the facts and circumstances including the cost of this Original Application.”

4. Briefly the facts of the case are that the applicant is the elder son of deceased employee Smt. Late E. Lakara who is serving on the post of Postmaster before the respondent-authorities who died on 19.07.2014 during the service period. The applicant filed an application dated 24.07.2014 for compassionate appointment but the same was rejected vide order dated 20.01.2016 (Annexure A/1) by respondent No.2 without assigning any reasons.

5. Respondents in their reply have submitted that the applicant died on 19.04.2014 and the application for appointment of compassionate ground was received on 04.06.2015 and was subsequently placed before the CRC on 13.01.2016 along with 13 other cases for consideration of appointment against 4 departmental vacancies on compassionate ground for the year 2016. The last candidates selected for appointment secured was 60 merit posts and CRC did not find the case fit to be considered in future and hence rejected. The decision of the CRC was

communicated to the applicant vide letter dated 20.01.2016.

6. Heard the learned counsel for both the parties and perused the documents attached with the pleadings.

7. On perusal of Annexure A/1 dated 20.01.2016, no reasons have been assigned by the respondent-department.

It has repeatedly been held in catena of judgments that failure to give reasons amounts to denial of justice. The administrative authority who 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. 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 Hon’ble Apex Court in the case of **Raj Kishore Jha versus State of Bihar & Others**, 2003(11) CC 519 has again reiterated that “reason is the heartbeat of every conclusion. Without the same, it becomes lifeless.” Therefore, reasons are backbone of the order. In absence of reasons, order cannot be approved by any Court of law because it does not inform the person against whom the order is passed regarding what weighed in the mind of the authority while rejecting the claim. We find that reasons should have been given in the impugned order Annexure A/1. It is simply by referring to that they have consider as per policy is not sufficient as per law settled by Hon’ble Apex Court. Needless to say that reasons are to be spelt out in the impugned order itself. In view of this the said impugned

order dated 20.01.2016 is quashed and set aside and respondents are directed to reconsider the case of the applicant afresh within a period of 60 days from the date of receipt of a certified copy of this order.

8. Accordingly the O.A. is disposed of in above terms.

No costs.

(B.V. Sudhakar)
Administrative Member

(Ramesh Singh Thakur)
Judicial Member

kc