

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT SITTINGS:BILASPUR

Original Application No.203/01051/2019

Bilaspur, this Thursday, the 21st day of November, 2019

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

Subhash Chandra Keshri
S/o Late Krishna Prasad
Aged about 42 years
R/o Village & Post Balangi
Dist. Balrampur (CG)
PIN Code 497225

-Applicant

(By Advocate-**Shri Vivek Kumar Agrawal**)

V e r s u s

1. Union of India,
Through Secretary, Department of Posts
Ministry of Communication
Shram Shakti Bhawan
Rafi Marg,
New Delhi 110001

2. The Chief Post Master General
Chhattisgarh Circle, M.G. Road
Raipur 492001 (C.G.)

3. The Superintendent of Post Office,
Raigarh, Distt. Raigarh (CG) 496001

- Respondents

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

O R D E R (Oral)

By Ramesh Singh Thakur, JM:-

The applicant is assailing the order dated 30.04.2019 passed by the Assistant Director (Staff), CG. Circle Raipur dismissing the claim of the applicant on the ground that he is not found fit for compassionate appointment as per prescribed norms of the department.

2. The applicant has prayed for the following reliefs:-

“9.1 Call the entire record relating to the case of the petitioner/applicant from the possession of the respondent authorities for its kind perusal.

9.2 Direct the respondent authorities to grant compassionate appointment to the applicant.

9.3 Direct the respondent authorities to grant compassionate appointment to the applicant.

9.4 Grant all other consequential relief(s) / benefits arising out of the claim of the applicant.

9.5 Grant any other relief as may be deemed just and proper in the facts and circumstances of the case including cost of the petition.”

3. The facts of the case are that the applicant's father was working under the respondent-department as Group D and died in harness on 03.10.2010 while in service. The

applicant has applied for compassionate appointment which was rejected by the respondent department on 07.09.2012. Against such rejection, the applicant had approached this Tribunal by filing Original Application No.203/63/2013 which was disposed of vide order dated 14.05.2015 with a direction to the respondents to give two more chances objectively for consideration of his case. The applicant submitted his representation on 31.05.2015. Thereafter the applicant submitted Review Application No.203/44/2015 which was dismissed. The applicant filed M.A. No.203/1343/2018 before this Tribunal which was closed on the ground that the respondents have granted one more opportunity to the applicant for considering his case. But in the perfunctory manner the respondents have rejected the case of the applicant vide order dated 30.04.2019 on the ground that he is not fit for compassionate appointment. The main ground for challenging the impugned order is that the respondent

department has not assigned any specific reason and the same has been given without any application of mind.

4. We have pursued the impugned order dated 30.04.2019 (Annexure A/11). It is very clear that no reasoned and speaking order has been reflected in the said order itself. 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/11. In the instant case the only reason given by the respondents is that in compliance of order dated 14.05.2015 passed by this Tribunal in O.A. No.63/2013 they have reconsidered the case of the applicant in Circle Relaxation Committee and the Committee has not found the applicant fit for

employment. Needless to say that reasons are to be spelt out in the impugned order itself. In view of this the said impugned order dated 30.04.2019 (Annexure A/11) is quashed and set aside and respondents are directed to reconsider the case of the applicant, by passing a reasoned and speaking order, within a period of 60 days from the date of receipt of a certified copy of this order.

5. Accordingly the O.A. is disposed of in above terms, at admission stage, without commenting on the merits of the case. No costs.

(B.V. Sudhakar)
Administrative Member

(Ramesh Singh Thakur)
Judicial Member

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