

AFR

Court No. - 6

Case :- WRIT - C No. - 1004474 of 2010

Petitioner :- Allahabad Bank Staff Association Thru Its General Secy.
Sri

Respondent :- Presiding Officer Central Govt.Industrial Tribunal-Cum-
Labo

Counsel for Petitioner :- T.B.Singh

Counsel for Respondent :- Gopal Kumar Srivastava,Anurag
Srivastava,Gopal Kumar Srivastava

Hon'ble Alok Mathur,J.

1. Heard Sri Anurag Srivastava, learned counsel for the petitioners as well as Sri Gopal Kumar Srivastava, learned counsel appearing for respondent nos. 2 and 3.

2. By means of present writ petition the petitioners have challenged the validity of award dated 21.01.2010, passed by the Central Government Industrial Tribunal/Labour Court (*hereinafter referred to as "the Tribunal"*) whereby claim of the petitioner no. 2 - workman has been rejected and the reference has been accordingly answered denying the relief to the petitioner-workman. In the present writ petition the petitioners have also assailed the punishment order dated 19.12.2001 as well as appellate order dated 20.03.2002.

3. Brief facts of the case are that petitioner no. 2 - workman who was working with the respondent - Bank and was employed in the Krishi Utpadan Mandi Samiti Branch of Allahabad Bank at Gonda and was subjected to disciplinary proceedings on account of the fact that on 18.09.1997, the petitioner - workman has fraudulently claimed Leave

Travel Concession (*hereinafter referred to as "LTC"*). The petitioner after availing the benefit of LTC, submitted bills for expenses amounting to Rs.17,553/- which showed that he had traveled in AC IInd Class from Gonda to Banglore City, but subsequently it was found that petitioner no. 2 had infact cancelled the said ticket and had not traveled or availed the LTC from Gonda to Banglore City and had fraudulently claimed the LTC and accordingly a charge sheet was issued to him on 13.10.1999. The enquiry officer was appointed who after giving due opportunity to the workman submitted his report on 14.06.2000, pursuant to which the disciplinary authority issued show cause notice on 03.01.2001, supplying him the copy of inquiry report to which the workman duly replied.

4. After considering the reply of the petitioner - workman the punishment order was passed on 19.12.2001, by which the special allowance of the workman was withdrawn w.e.f. 19.12.2001. The workman thereafter filed an appeal against the order of punishment was also rejected on 20.03.2002.

5. It is in the aforesaid circumstances that a industrial dispute was raised by the Allahabad Bank Staff Association on behalf of petitioner no. 2 - workman and the question which was referred to the Tribunal was as to "*Whether the action of the Management of Allahabad Bank in imposing the punishment of withdrawal of special allowance to Shri Ram Lal, Special Assistant w.e.f. 19.12.2001 is legal and justified? If not, what relief the concerned workman is entitled?*"

6. The Tribunal had considered the validity of the domestic enquiry and framed the issue as to "*Whether the inquiry officer conducted the inquiry in utter disregard to principles of natural justice as alleged in the statement of claim?*" and duly answered the said issue in favour of the respondents holding that the workman was given due opportunity of

hearing at all the stages of the enquiry. A further question was raised by the workman that the order of punishment dated 19.12.2001 did not spelt out any reason and same has been passed in clear violation of principles of natural justice.

7. In this regard the Tribunal held that the legal position is not disputed that order of disciplinary authority and appellate authority must be based on recorded reasons and also held that detailed reasons have not been recorded in the impugned orders, but he was satisfied that the appellate order contained reasons and therefore it cannot be said that any prejudice has been caused to the workman and consequently dismissed the reference and rejected the claim of the workman.

8. It has been submitted by learned counsel for the petitioner that he had vehemently submitted before all the authorities including the inquiry officer and disciplinary authority that inadvertently cancellation report of ticket had been annexed alongwith the claim for LTC and it was only on account of this mistake that proceedings were initiated and there was no intention to claim the LTC for the said travel.

9. The inquiry officer by a detailed reasoning found that the workman made a fraudulent claim with regard to his LTC, where in fact he has purchased the ticket which was cancelled and without disclosing cancellation he had claimed the said amount. The inquiry report as well as reply of the petitioner-workman were placed before the disciplinary authority who by means of order dated 19.12.2001 by a cryptic and in pre-determined manner, without even dealing with the charges or reply or gravity of offence has rejected the reply of the petitioner and held that he agrees with the reasoning given in the inquiry report holding the petitioner to be guilty.

10. Before the appellate authority it was again submitted that the order of disciplinary authority is bereft of any reasons and that same is in violation of principles of natural justice and hence ought to have been set aside. The appellate authority again itself went into the entire facts of the case and evidence which was made available in the inquiry report and held that the punishment inflicted to the petitioner was just, fair and reasonable and rejected the appeal.

11. It has been submitted that once it is found that the impugned order has been passed without any reasons then such an order cannot be sustained and reasons by the appellate authority or any other authority cannot be substituted in place of the reasons of disciplinary authority and accordingly once infirmity in the order of punishment is noticed then that order ought to have been set aside and such infirm order cannot be made good looking at the reasons stated in an order passed at the appellate stage or by the Tribunal.

12. Learned counsel for the respondents had vehemently opposed the writ petition. The first issue raised on behalf of respondents is that there is no requirement of giving reasons by the disciplinary authority while inflicting punishment on an employee. He submits that once sufficient reasons have been indicated in the inquiry report and those are agreed by the disciplinary authority, there is no requirement of giving any reasons and order of disciplinary authority, appellate authority and the Tribunal are reasonable and valid and there is no infirmity in the same.

13. Learned counsel for the respondents has further relied upon the judgment of Hon'ble Supreme Court in the case of **State Bank of Bikaner and Jaipur and Others Vs. Prabhu Dayal**, 1995 SCC (6) 279 as well as order of the Apex Court in the case of **Tara Chand Vyas Vs. Chairman & Disciplinary Authority and Others**, 1997 (4) SCC 565.

14. Heard learned counsel for the parties and perused the record.

15. In the case in hand the controversy revolves around the order of punishment dated 19.12.2001. By means of order dated 19.12.2001 the Assistant General Manager and Disciplinary Authority of the petitioner-workman has recorded that in the inquiry report punishment has been proposed and that the petitioner has been given opportunity of personal hearing on 09.07.2001 in the Regional Office, Gonda. All the contentions on behalf of petitioner have been recorded by the Disciplinary authority including the written statement filed by the workman, but without considering the grounds taken by the petitioner, rejects his contention stating that he does not agree with the defence taken by the petitioner and that he has not been able to prove himself to be innocent and consequently there is no requirement of re-consideration of the show cause notice dated 07.03.2001 and interim of bi-partite settlement of 1996 Clause 19.5(j) he has removed him from the post of Special Assistant and also that the petitioner shall not be entitled to any allowance of the said post.

16. Perusal of punishment order indicates that neither has the disciplinary authority considered the charges levelled against the petitioner-workman nor the evidence adduced by the authorities in support or against the said charge and nor has the contention of the petitioner been considered anywhere in the said order. It is undisputed that the order is silent with regard to merits of the case and charges levelled against the petitioner-workman.

17. It is in the aforesaid circumstances, this Court has been called upon in the present case to determine as to whether such a non speaking order bereft of any reasoning can be sustained.

18. In order to consider aforesaid aspect, it has to be considered as to whether giving reasons is essential or not. The Apex Court in the case of **S.N. Mukherjee Vs. Union of India, (1991) 4 SCC 594**, has held that giving of reasons is a part of natural justice and it is the reasons which disclose the mind of the authority who is taken the decision. In order to indicate that there has been application of mind the said order should contain reasons before taken such a decision. The Court has held as under :-

"39. The object underlying the rules of natural justice "is to prevent miscarriage of justice" and secure "fair play in action". As pointed out earlier the requirement about recording of reasons for its decision by an administrative authority exercising quasi-judicial functions achieves this object by excluding chances of arbitrariness and ensuring a degree of fairness in the process of decision-making. keeping in view the expanding horizon of the principles of natural justice, we are of the opinion, that the requirement to record reason can be regarded as one of the principles of natural justice which govern exercise of power by administrative authorities. The rules of natural justice are not embodied rules. The extent of their application depends upon the particular statutory framework whereunder jurisdiction has been conferred on the administrative authority. With regard to the exercise of a particular power by an administrative authority including exercise of judicial or quasi-judicial functions the legislature, while conferring the said power, may feel that it would not be in the larger public interest that the reasons for the order passed by the administrative authority be recorded in the order and be communicated to the aggrieved party and it may dispense with such a requirement. It may do so by making an express provision to that effect as those contained in the Administrative Procedure Act, 1946 of U.S.A. and the Administrative Decisions (Judicial Review) Act, 1977 of Australia whereby the orders passed by certain specified

authorities are excluded from the ambit of the enactment. Such an exclusion can also arise by necessary implication from the nature of the subject matter, the scheme and the provisions of the enactment. The public interest underlying such a provision would outweigh the salutary purpose served by the requirement to record the reasons. The said requirement cannot, therefore, be insisted upon in such a case.

40. For the reasons aforesaid, it must be concluded that except in cases where the requirement has been dispensed with expressly or by necessary implication, an administrative authority exercising judicial or quasi-judicial functions is required to record the reasons for its decision."

19. It is well settled that an order without valid reasons cannot be sustained. To give reasons is the rule of natural justice. Highlighting this rule, Hon'ble Supreme Court held in the case of **The Secretary & Curator, Victoria Memorial v. Howrah Ganatantrik Nagrik Samity and ors., JT 2010(2)SC 566 para 31 to 33 as under :**

"31. It is a settled legal proposition that not only administrative but also judicial order must be supported by reasons, recorded in it. Thus, while deciding an issue, the Court is bound to give reasons for its conclusion. It is the duty and obligation on the part of the Court to record reasons while disposing of the case. The hallmark of an order and exercise of judicial power by a judicial forum is to disclose its reasons by itself and giving of reasons has always been insisted upon as one of the fundamentals of sound administration justice - delivery system, to make known that there had been proper and due application of mind to the issue before the Court and also as an essential requisite of principles of natural justice. The giving of reasons for a decision is an essential attribute of judicial and judicious disposal of a matter before Courts, and which

is the only indication to know about the manner and quality of exercise undertaken, as also the fact that the Court concerned had really applied its mind. " [Vide State of Orissa Vs. Dhaniram Luhar (JT 2004(2) SC 172 and State of Rajasthan Vs. Sohan Lal & Ors. JT 2004 (5) SCC 338:2004 (5) SCC 573].

32. Reason is the heartbeat of every conclusion. It introduces clarity in an order and without the same, it becomes lifeless. Reasons substitute subjectivity by objectivity. Absence of reasons renders the order indefensible/unsustainable particularly when the order is subject to further challenge before a higher forum. [Vide Raj Kishore Jha Vs. State of Bihar & Ors. AIR 2003 SC 4664; Vishnu Dev Sharma Vs. State of Uttar Pradesh & Ors. (2008) 3 SCC 172; Steel Authority of India Ltd. Vs. Sales Tax Officer, Rourkela I Circle & Ors. (2008) 9 SCC 407; State of Uttaranchal & Anr. Vs. Sunil Kumar Singh Negi AIR 2008 SC 2026; U.P.S.R.T.C. Vs. Jagdish Prasad Gupta AIR 2009 SC 2328; Ram Phal Vs. State of Haryana & Ors. (2009) 3 SCC 258; Mohammed Yusuf Vs. Faij Mohammad & Ors. (2009) 3 SCC 513; and State of Himachal Pradesh Vs. Sada Ram & Anr. (2009) 4 SCC 422].

33. Thus, it is evident that the recording of reasons is principle of natural justice and every judicial order must be supported by reasons recorded in writing. It ensures transparency and fairness in decision making. The person who is adversely affected may know, as why his application has been rejected."

20. Non recording of reasons, non consideration of admissible evidence or consideration of inadmissible evidence renders the order to be unsustainable. Hon'ble Supreme Court in the case of **Chandana Impex Pvt. Ltd. Vs. Commissioner of Customs, New Delhi , 2011(269)E.L.T. 433 (S.C.)**, held as under :

"8. It needs to be emphasised that every litigant, who approaches the court for relief is entitled to know the reason for acceptance or rejection of his prayer, particularly when either of the parties to the lis has a right of further appeal. Unless the litigant is made aware of the reasons which weighed with the court in denying him the relief prayed for, the remedy of appeal will not be meaningful. It is that reasoning, which can be subjected to examination at the higher forums. In State of Orissa Vs. Dhaniram Luhar² this Court, while reiterating that reason is the heart beat of every conclusion and without the same, it becomes lifeless, observed thus :

"8.....Right to reason is an indispensable part of a sound judicial system; reasons at least sufficient to indicate an application of mind to the matter before court. Another rationale is that the affected party can know why the decision has gone against him. One of the salutary requirements of natural justice is spelling out reasons for the order made;....."

21. The Supreme Court in **State of Orissa v. Dhaniram Luhar (2004) 5 SCC 568** while dealing with the criminal appeal, insisted that the reasons in support of the decision was a cardinal principle and the High Court should record its reasons while disposing of the matter. The Court held as under:

"8. Even in respect of administrative orders Lord Denning, M.R. In Breen v. Amalgamated Engg. Union, (1971)2 QB 175, observed:(QB p.191 C) "The giving of reasons is one of the fundamentals of good administration." In Alexander Machinery (Dudley) Ltd. v. Crabtree 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 emphasis on recording reasons is that if the

decision reveals the "inscrutable face of the sphinx", it can, by its silence, render it virtually impossible for the Courts to perform their appellate function or exercise the power of judicial review in adjudging the validity of the decision. Right to reason is an indispensable part of a sound judicial system; reasons at least sufficient to indicate an application of mind to the matter before Court. Another rationale is that the affected party can know why the decision has gone against him. One of the salutary requirements of natural justice is spelling out reasons for the order made; in other words, a speaking-out. The "inscrutable face of the sphinx" is ordinarily incongruous with a judicial or quasi-judicial performance."

22. Following this very view, the Supreme Court in another judgment delivered on 22-02-2008, in **State of Rajasthan v. Rajendra Prasad Jain, (2008)15 SSC 711** stated that '*reason is the heartbeat of every conclusion, and without the same it becomes lifeless.*'

23. Providing of reasons in orders is of essence in judicial proceedings. Every litigant who approaches the Court with a prayer is entitled to know the reasons for acceptance or rejection of such request. Either of the parties to the lis has a right of appeal and, therefore, it is essential for them to know the considered opinion of the Court to make the remedy of appeal meaningful. It is the reasoning which ultimately culminates into final decision which may be subject to examination of the appellate or other higher Courts. It is not only desirable but, in view of the consistent position of law, mandatory for the Court to pass orders while recording reasons in support thereof, however, brief they may be. Brevity in reasoning cannot be understood in legal parlance as absence of reasons. While no reasoning in support of judicial orders is impermissible, the brief reasoning would suffice to meet the ends of justice at least at the interlocutory stages and would render the remedy of

appeal purposeful and meaningful. It is a settled canon of legal jurisprudence that the Courts are vested with discretionary powers but such powers are to be exercised judiciously, equitably and in consonance with the settled principles of law. Whether or not, such judicial discretion has been exercised in accordance with the accepted norms, can only be reflected by the reasons recorded in the order impugned before the higher Court. Often it is said that absence of reasoning may ipso facto indicate whimsical exercise of judicial discretion. Patricia Wald, Chief Justice of the D.C. Circuit Court of Appeals in the Article, "The problem with the Courts: Black-robed Bureaucracy Or Collegiality Under Challenge" 42 Md.L. Rev. 766, 782 (1983), observed as under:-

'My own guiding principle is that virtually every appellate decision requires some statement of reasons. The discipline of writing even a few sentences or paragraphs explaining the basis for the judgment insures a level of thought and scrutiny by the Court that a bare signal of affirmance, dismissal, or reversal does not.'

24. The Court cannot lose sight of the fact that a losing litigant has a cause to plead and a right to challenge the order if it is adverse to him. Opinion of the Court alone can explain the cause which led to passing of the final order. Whether an argument was rejected validly or otherwise, reasoning of the order alone can show. To evaluate the submissions is obligation of the Court and to know the reasons for rejection of its contention is a legitimate expectation on the part of the litigant.

25. It will be useful to refer words of Justice Roslyn Atkinson, Supreme Court of Queensland, at AIJA Conference at Brisbane on 13-9-2002 in relation to Judgment Writing. Describing that some judgment could be complex, in distinction to routine judgments, where one requires deeper thoughts, and the other could be disposed of easily but in either cases, reasons they must have. While speaking about purpose of

the judgment, he said, 'The first matter to consider is the purpose of the judgment. To my mind there are four purposes for any judgment that is written:-

- (1) to clarify your own thoughts;
- (2) to explain your decision to the parties;
- (3) to communicate the reasons for the decision to the public; and (4) to provide reasons for an appeal Court to consider.'

26. Clarity of thought leads to proper reasoning and proper reasoning is the foundation of a just and fair decision. In **Alexander Machinery (Dudley) Ltd. v. Crabtree 1974 ICR 120 (NIRC)**, the Court went to the extent of observing that 'Failure to give reasons amounts to denial of justice'. Reasons are really linchpin to administration of justice. They are the link between the mind of the decision-taker and the controversy in question. To justify our conclusion, reasons are essential. Absence of reasoning would render the judicial order liable to interference by the higher court. Reasons are the soul of the decision and its absence would render the order open to judicial chastism. The consistent judicial opinion is that every order determining rights of the parties in a Court of law ought not to be recorded without supportive reasons. Issuing reasoned order is not only beneficial to the higher courts but is even of great utility for providing public understanding of law and imposing self-discipline in the Judge as their discretion is controlled by well-established norms. The contention raised before us that absence of reasoning in the impugned order would render the order liable to be set aside, particularly, in face of the fact that the learned Judge found merit in the writ petition and issued rule, therefore, needs to be accepted. We have already noticed that orders even at interlocutory stages may not be as detailed as judgments but should be supported by reason howsoever

briefly stated. Absence of reasoning is impermissible in judicial pronouncement.

27. Reason is the very life of law. When the reason of a law once ceases, the law itself generally ceases (Wharton's Law Lexicon). Such is the significance of reasoning in any rule of law. Giving reasons furthers the cause of justice as well as avoids uncertainty. As a matter of fact it helps in the observance of law of precedent. Absence of reasons on the contrary essentially introduces an element of uncertainty, dissatisfaction and give entirely different dimensions to the questions of law raised before the higher/appellate courts. In our view, the court should provide its own grounds and reasons for rejecting claim/prayer of a party whether at the very threshold i.e. at admission stage or after regular hearing, howsoever concise they may be.

28. It is the duty cast upon the Appellate Authority that even if it is in agreement with the view taken by the first Appellate Authority, it should give its own reasons/findings which may indicate that there has been application of mind and also the consideration of grounds raised in the appeal by the revisionist. In absence of reasons it is difficult to come to a conclusion that there has been any application of mind by the Tribunal and such an order in the opinion of the Court cannot be sustained and deserves to be set aside.

29. This Court in **Writ - C No. 890 of 2022 - Smt. Darshan Devi @ Darshan Devi Vs. State of U.P. and Others** (decided on 25.03.2022), while deciding the issue has held as under :

"Hon'ble the Supreme Court in Kranti Associates (P) Ltd. & another v. Masood Ahmed Khan and others, reported in (2010) 9 SCC 496 has held that reasons recorded in any order are the soul of the order without which an order is clearly vitiated. The relevant portions of aforesaid decision are as follows:-

"47. Summarizing the above discussion, this Court holds:

- (a) In India the judicial trend has always been to record reasons, even in administrative decisions, if such decisions affect anyone prejudicially.*
- (b) A quasi-judicial authority must record reasons in support of its conclusions.*
- (c) Insistence on recording of reasons is meant to serve the wider principle of justice that justice must not only be done it must also appear to be done as well.*
- (d) Recording of reasons also operates as a valid restraint on any possible arbitrary exercise of judicial and quasi-judicial or even administrative power.*
- (e) Reasons reassure that discretion has been exercised by the decision-maker on relevant grounds and by disregarding extraneous considerations.*
- (f) Reasons have virtually become as indispensable a component of a decision-making process as observing principles of natural justice by judicial, quasi-judicial and even by administrative bodies.*
- (g) Reasons facilitate the process of judicial review by superior courts.*
- (h) The ongoing judicial trend in all countries committed to rule of law and constitutional governance is in favour of reasoned decisions based on relevant facts. This is virtually the lifeblood of judicial decision-making justifying the principle that reason is the soul of justice.*
- (i) Judicial or even quasi-judicial opinions these days can be as different as the judges and authorities who deliver them. All these decisions serve one common purpose which is to demonstrate by reason that the relevant factors have been objectively considered. This is important for sustaining the litigants' faith in the justice delivery system.*
- (j) Insistence on reason is a requirement for both judicial accountability and transparency.*
- (k) If a judge or a quasi-judicial authority is not candid enough about his/her decision-making process then it is impossible to know whether the person deciding is faithful to the doctrine of precedent or to principles of incrementalism.*

(l) Reasons in support of decisions must be cogent, clear and succinct. A pretence of reasons or 'rubber-stamp reasons' is not to be equated with a valid decision-making process.

(m) It cannot be doubted that transparency is the sine qua non of restraint on abuse of judicial powers. Transparency in decision-making not only makes the judges and decision-makers less prone to errors but also makes them subject to broader scrutiny. (See David Shapiro in Defence of Judicial Candor [(1987) 100 Harvard Law Review 731-37] .)

(n) Since the requirement to record reasons emanates from the broad doctrine of fairness in decision-making, the said requirement is now virtually a component of human rights and was considered part of Strasbourg Jurisprudence. See Ruiz Torija v. Spain [(1994) 19 EHRR 553] EHRR, at 562 para 29 and Anya v. University of Oxford [2001 EWCA Civ 405 (CA)] , wherein the Court referred to Article 6 of the European Convention of Human Rights which requires, 'adequate and intelligent reasons must be given for judicial decisions?.'

(o) In all common law jurisdictions judgments play a vital role in setting up precedents for the future. Therefore, for development of law, requirement of giving reasons for the decision is of the essence and is virtually a part of 'due process?.'

30. In the aforesaid circumstances, the Apex Court has relied upon the judgment in the case of **S.N. Mukherjee Vs. Union of India (supra)**, where the Court has categorically held that unless "recording reasons" has been dispensed with by an administrative authority in exercise of judicial or quasi judicial functions, he/she is required to disclose reasons. The case of the petitioner is clearly distinguishable, as no such provision has been brought on record or evidence placed before this Court which can demonstrate that with regard to employee of the respondents, requirement of recording reasons has been dispensed with.

31. Once this Court comes to a conclusion that the order inflicting punishment was bereft of any reasons, then the same is rendered

arbitrary and illegal and liable to be set aside. The appellate authority while considering the appeal preferred by the delinquent workman was only looking into the validity of the order of disciplinary authority. The appellate authority was exercising its jurisdiction as a Tribunal of limited jurisdiction, looking into the validity of the order of punishment with regard to grounds raised by the delinquent workman. It was open for the appellate authority to either agree with the grounds raised by the employee assailing the order of punishment or it could have held that none of the grounds are made out and reject the appeal. There is no power vested in the appellate authority to itself visit the entire inquiry proceedings and record its independent reasons for justifying the punishment inflicted upon the delinquent employee. Clearly the appellate authority exercised power of disciplinary authority and such an exercise is beyond its jurisdiction and cannot be sustained. The role of the appellate authority is to look into the validity of the punishment order and the reason recorded by the disciplinary authority. He himself cannot assume the role of disciplinary authority and supplement his reasons for upholding the punishment order specifically where no such reason exists in the order of disciplinary authority. This is also because it is the discretion vested in the disciplinary authority to “decide” as to whether the charges are proved or not, and also as to what punishment is to be awarded to the delinquent employee. In case the discretion vested in the disciplinary authority has not been exercised properly or contrary to the settled provisions of law, the appellate authority should set aside the order, but cannot himself assume the role of disciplinary authority.

32. Therefore, in the present case, the appellate authority has exceeded its jurisdiction by trying to read the findings of the inquiry officer as the reasons given by the disciplinary authority which were not existing in the order of disciplinary authority and substituted its reasons in the said

order. In this regard this Court is of the view that the appellate authority has exceeded the jurisdiction vested in him.

33. Lastly, it is noticed that the Tribunal was aware of the fact and it rightly noticed that order of punishment is without reasons. In para 13 they have accordingly correctly appreciated the law in this regard, but, surprisingly it has not taken it to its logical conclusion. Once it had come to a conclusion that order of punishment was bereft of reasons, then there was nothing further to be looked into and it was incumbent upon them to have set aside the punishment inflicted upon the workman, rather, it allowed the stand of the employer by proceeding to hold that the workman had been given full opportunity during disciplinary proceedings. This Court finds the order of Tribunal as illegal and arbitrary inasmuch as the disciplinary proceedings culminated in the order of punishment. If any order of punishment is passed without any reasons, its validity cannot be upheld on the ground that the delinquent employee has been given full opportunity of hearing. By not giving reasons in the order of punishment, is in violation of principles of natural justice and it is arbitrary and violative of Article 14 of the Constitution of India and in the present case, the order of Tribunal is clearly arbitrary and illegal.

34. Learned counsel for the respondent on the other hand has submitted lastly that once it has been found that order is in violation of principles of natural justice, then the matter should be remitted for fresh consideration from the stage of infirmity. Considering the above argument raised by learned counsel for the respondents it is noticed that proceedings against the employee were pending since 2001 i.e. for last 23 years and during this period the petitioner has also retired and looking into the long lapse of time it would not be just, fair and reasonable to remand the matter back to the disciplinary authority to decide the matter

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afresh, after such a long lapse of time, specially considering the fact that the petitioner has superannuated in the meantime, and also looking into the gravity of punishment where only punishment inflicted was only withdrawal of allowance, which is not a major punishment, accordingly, award dated 21.01.2010, appellate order dated 20.03.2002 and punishment order dated 19.12.2001 are hereby set aside.

35. The writ petition is **allowed** with all consequential benefits.

Order Date :- 18.1.2024

A. Verma

(Alok Mathur, J.)