

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15954 of 2012

Janardan Prasad, S/O Late Jagdish Prasad, Resident of Mohalla- Shahpur Near Ram
Lakhan Singh Yadav College, P.O. & P.S.- Aurangabad, District- Aurangabad

.... Petitioner/s

Versus

1. The Union of India, through the D.G. cum Secretary, Department Of Posts,
Dak Bhawan, New Delhi
2. The Chief Postmaster General, Bihar Circle, Patna
3. The Director of Postal Services, Head Quarter, O/o the C.P.M.G., Bihar Circle,
Patna
4. The Vigilance Officer, O/o the Chief Postmaster General, Bihar Circle, Patna
5. The Superintendent of Post Offices, Aurangabad Division, Aurangabad

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Hemant Kumar Karan, Advocate
Mr. Jayant Kr. Karan, Advocate
For the Respondent/s : Mr. S.D. Sanjay, Addl. S.G.
Mr. Rakesh Kumar Sinha, CGC

CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 07-04-2016

The present writ petition is directed against the
order of the Central Administrative Tribunal, Patna Bench, Patna
dated 22.03.2010, passed in O.A. No. 48 of 2009 as also the order
dated 20.04.2011, passed in R.A. No. 07 of 2011 arising from the
aforesaid Original Application.

We have heard learned counsel for the
petitioner and Additional Solicitor General for the Union of India.

Having gone through the order of the Tribunal,



all we can say is that the order is an apology for a quasi judicial order issued by the Tribunal. The petitioner was proceeded in a departmental proceeding and was visited with a penalty of Rs.80,000/- to be deducted from his death-cum-retiral benefits in instalments. He challenged it in appeal without success and then to the Tribunal. The order of the Tribunal runs into 6 pages and 10 paragraphs. Up to 8 paragraphs are noted the contentions of the parties. Paragraphs 9 and 10 read thus :

“9. We are of the view that the orders passed by the disciplinary authority as well as the appellate authority are quite good and in accordance with rules, and hence no interference is required therein.

10. In the light of the above discussions, we are of the view that there is no merit in the OA and the same is fit to be dismissed.”

There are no reasons to support the decision. It is because of this, we say that it is an apology for an order passed by a quasi judicial authority. It is beyond dispute that a quasi judicial authority has to pass a speaking order while exercising such functions and an order, which is not a speaking order, is an order in violation of the principles of natural justice and is virtually void. Speaking order is an order which clearly shows the

link between the facts found and decision arrived. This link is the reason. In absence of the reasons, mere submissions and decisions, no authority can ever judge the correctness or otherwise of the order or the reasoning process.

Petitioner had raised substantial issues as evident from the order itself. He had raised the issue that what was the basis of penalty has never been disclosed. It had never been quantified much less no finding of any loss to the State, then why the penalty. It was then urged that the appellate authority being the Director was the person at whose instance the disciplinary proceedings and the punishments were meted out to the petitioner and other similarly situated persons. Thus, the appeal itself was an empty formality. He further points out that other similarly situated persons when they came to the Tribunal, the Tribunal allowed their applications but this petitioner was singled out. Had the Tribunal given reasons, we would have appreciated the order. In absence of reasons, we have no alternative but to set aside the order of the Tribunal and remand the same for rehearing on all issues. As the matter is old, we would request the Tribunal to take up the matter, decide the same and conclude the proceedings at the earliest, preferably within four months from the date of receipt/production of a copy of this judgment.

WE
NOT

This writ petition is, accordingly, allowed. The order of the Tribunal is set aside.

(Navaniti Prasad Singh, J.)

(Nilu Agrawal, J.)

Arjun/Rajesh

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