

**HON'BLE SRI JUSTICE SURESH KUMAR KAIT
AND
HON'BLE Dr. JUSTICE SHAMEEM AKTHER**

WRIT PETITION No.7502 of 2017

ORDER : (ORAL)

(per Hon'ble Sri Justice Suresh Kumar Kait)

The case of the petitioner is that he filed O.A.No.700 of 2016 on the file of the Central Administrative Tribunal, Hyderabad Bench, Hyderabad (for brevity "the Tribunal") challenging the proceedings No.C.13011/07/09-Vig., dated 12.07.2016, issued by the respondents placing him under deemed suspension, as arbitrary and illegal. Thereafter, the respondents issued another order vide Corrigendum dated 29.07.2016 under sub-Rule (4) of Rule 10 of CCS (CCA) Rules, 1965. The same was challenged in the aforesaid O.A., wherein the petitioner sought for stay of the said order, however, no orders are passed by the Tribunal.

2. Learned counsel appearing for the petitioner submits that once an order passed by the respondents against the petitioner was challenged before the Tribunal, the respondents cannot pass another order in the name of corrigendum against the petitioner without giving reasons to that effect.

3. Similar case came up for consideration before the Hon'ble Apex Court in the case of STATE OF PUNJAB vs.

BANDEEP SINGH AND OTHERS¹ in Civil Appeal No.629 of 2006; along with another case between PUNJAB STATE LEATHER DEVELOPMENT CORPORATION AND OTHERS vs. BANDEEP SINGH AND OTHERS in Civil Appeal No.630 of 2006, wherein the Hon'ble Apex Court at para-4, held as under:

“4. There can be no gainsaying that every decision of an administrative or executive nature must be a composite and self sustaining one, in that it should contain all the reasons which prevailed on the official taking the decision to arrive at his conclusion. It is beyond cavil that any Authority cannot be permitted to travel beyond the stand adopted and expressed by it in the impugned action. If precedent is required for this proposition it can be found in the celebrated decision titled [Mohinder Singh Gill v. The Chief Election Commissioner, New Delhi](#) [1978] 2 SCR 272, of which the following paragraph deserves extraction:

“8. The second equally relevant matter is that when a statutory functionary makes an order based on certain grounds, its validity must be judged by the reasons so mentioned and cannot be supplemented by fresh reasons in the shape of affidavit or otherwise. Otherwise, an order bad in the beginning may, by the time it comes to court on account of a challenge, get validated by additional grounds later brought out. We may here draw attention to the observations of Bose J. in *Gordhandas Bhanji* [1952] 1 SCR 135:

9. Public orders publicly made, in exercise of a statutory authority cannot be construed in the light of Explanations subsequently given by the officer making the order of what he meant, or of what was in his mind, or what he intended to do. Public orders made by public authorities are meant to have public effect and are intended to affect the acting and conduct of those to whom they are addressed and must be construed objectively with reference to the language used in the order itself.

Orders are not like old wine becoming better as they grow older”.

¹ (2016) 1 SCC 724

4. We have heard learned counsel for the respective parties and perused the material on record.

5. It is not in dispute that O.A.No.700 of 2016 is to be adjudicated by the Tribunal. The petitioner is only aggrieved by the action of the Tribunal in not granting interim order of stay against the subsequent order dated 29.07.2016 passed by the respondents, as noted above.

6. As held by the Hon'ble Apex Court in BANDEEP SINGH's case (supra), every decision of an Administrative or Executive nature must be a composite and self-sustaining one, in that it should contain all the reasons which prevailed on the official taking the decision to arrive at his conclusion.

7. Admittedly, in the subsequent order dated 29.07.2016, no reasons are assigned by the respondents.

8. Accordingly, we hereby stay the operation of the corrigendum order dated 29.07.2016 issued by the Health and Family Welfare Department, Government of India, till final disposal of O.A.No.700 of 2016. Consequently, the Tribunal is directed to ignore the subsequent order dated 29.07.2016, as noted above, and adjudicate the O.A. pending before it and pass appropriate orders in accordance with law.

8. We make it clear that if the respondents withdraw the previous order dated 12.07.2016 and wish to pass a fresh

reasoned order after giving an opportunity of hearing to the petitioner, they are at liberty to do so.

9. With the above direction, this writ petition is disposed of. No order as to costs.

10. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE SURESH KUMAR KAIT

Dr. JUSTICE SHAMEEM AKTHER

06.06.2017.
Msr



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