

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.25066 OF 2014

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking a writ of certiorari requesting to call for the records related to award, dated 17.05.2014, passed by the 2nd respondent in case No.27/3/2013/17619 and declare the said award as illegal, arbitrary & violative of principles of natural justice and quash the same.

2. I have heard the submissions of *Sri C.V. Mohan Reddy*, learned Senior Counsel representing *Sri C.V. Rajeeva Reddy*, learned counsel appearing for the petitioner; and of *Sri G. Manohar*, learned counsel appearing for the 1st respondent. I have perused the material record.

3. After the matter is heard at length, as the award impugned, does not contain any reasons, a request is made to set aside the award impugned and to remit the matter to the Council for fresh consideration and passing a reasoned award, as required under facts and in law. However, learned counsel for the 1st respondent made a request that the 1st respondent may be permitted to canvass that it is entitled to claim interest on the amount awardable *inter alia* stating that in the event the Council comes to a conclusion that the 1st respondent is entitled to the claim amount, the 1st respondent becomes entitled to claim interest also.

4. It is trite to observe that the need to give reasons has been held to arise out of the need to minimise chances of arbitrariness and induce clarity. Giving reasons, apart from being an essential feature of the principles of natural justice, ensures transparency and fairness, in the decision making process. Reasons are indicative of application of mind

and giving reasons is also essential when the order is amenable to further avenues of challenge. Having regard to the facts and submissions and as this Court also finds that the award impugned is bereft of reasons and is, therefore, unsustainable on that ground alone, this Court holds that the Writ Petition deserves to be allowed without going into the merits of the matter.

5. In the result, the Writ Petition is allowed and the impugned award, dated 17.05.2014, passed by the 2nd respondent in case No.27/3/2013/17619 is set aside and the said case is remitted to the 2nd respondent Council, for disposal afresh, on merits, and passing a reasoned award, however, in accordance with the procedure established by law. Liberty is reserved to the 1st respondent to canvass that it is entitled to claim interest on the amount awardable. It is needless to state that in the event the 1st respondent canvasses the said contention, the same shall be considered on its merit, however, after affording an opportunity of hearing on the said aspect to the petitioner herein. The 2nd respondent Council shall complete the necessary exercise in the above regard within a period of eight (8) weeks from the date of receipt of a copy of this order. It is made clear that this Court did not express any opinion on merits of the matter and that the 2nd respondent Council shall consider and answer all the issues that are involved in the matter.

There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

M.SEETHARAMA MURTI, J

August 08, 2018
Note: Issue C.C. by Monday.
B/O.MD