

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 6446 of 2017**

1. Bharat Sanchar Nigam Limited Through The Chief General Manager, (Telecommunication) Bharat Sanchar Nigam Limited, Raipur 492001 Chhattisgarh
2. The Assistant General Manager, (H. R. And Administration) Bharat Sanchar Nigam Limited, Telecom District Durg Chhattisgarh 491002

---- Petitioners**Versus**

- Santosh Ram Sahu S/o Shri Gokul Prasad Sahu, Aged About 62 Years Retired Phone Mechanic, B. S. N. L. Sector - 1, Bhilai, District Durg, R/o Ward No. 2, Rajiv Nagar (Shiv Nagar) Near Shiv Mandir, Durg 491002 Chhattisgarh

---- Respondent

For Petitioners : Shri Sudeep Dubey, Advocate

For Respondent : Shri A.V. Shridhar, Advocate

Hon'ble Shri P.R. Ramachandra Menon, Chief Justice**Hon'ble Shri Goutam Bhaduri, Judge****Order on Board****Per Goutam Bhaduri, J****21/06/2019**

1. Heard.
2. The instant writ petition is filed with the following relief:-

"10.1 That this Hon'ble Court may kindly be pleased to call for entire records, pertaining to case of petitioners in Original Application No.203/00566/2014.

10.2 That the Hon'ble Court may kindly be issue writ/writs, direction/directions to quash the order dated 13.05.2015 passed by the Hon'ble Central Administrative Tribunal, Jabalpur Bench Circuit Sittings : Bilaspur in Original Application No.203/00566/2014 (Annexure P-1).

10.3 That the Hon'ble Court may kindly be pleased to grant any other relief, as it may deem fit and just.

10.4 Cost of the petition may also be award.”

3. The order under challenge in this writ petition is the order Annexure P-1 dated 13.05.2015 passed by the Central Administrative Tribunal (CAT).
4. Learned counsel for the petitioners would submit that the order impugned is non-speaking and neither any adjudication has been made nor any discussion has been made, therefore, the order is so cryptic, non-speaking and virtually no reasoning has been given, therefore, may be set aside.
5. Learned counsel for the respondent vehemently opposed the argument.
6. Perused the averments of the writ petition qua the order passed by the CAT, which reads as under :-

“Heard.

2. The matter was discussed at length at the Bar. The short question which would arise is that if as claimed by the respondents after 01.10.2000 all the benefit for non-executive in relation to One Time Bound Promotion (for short '**OTBP**')/ Biennial Cadre Review (for short '**BCR**') etc. are withdrawn as the applicant is treated to be a non optee, how do the prejudice thus caused to him be adjusted. It is clear cut that the BCR IV promotion is given on the basis of seniority only and as apparently the applicant is the senior most this benefit is to be made available to him.”

7. After going through the entire order as against the averments made in the writ petition, the order would show that it is completely silent as to the facts involved in it as along with the necessary reasoning to arrive at such a conclusion. The

order is cryptic without any reasoning and we are also unable to understand how and why the Tribunal came to such particular specific finding.

8. The Supreme Court time and again has reiterated that the order passed by the judicial Tribunal and the Courts are to be supported with the reasoning and the law involved in it. Lately in the matter of ***G. Saraswathi and Another Versus Rathinammal and others*** {(2018) 3 SCC 340} the Court observed in a case while deciding the second appeal, the Court observed thus in para 9:-

“9. Indeed, in the absence of any application of judicial mind to the factual and legal controversy involved in the appeal and further without even mentioning the factual narration of the case set up by the parties, the findings of the two Courts as to how they dealt with the issues arising in the case in their respective jurisdiction and without there being any discussion, appreciation, reasoning and categorical findings on the issues and why the findings of two Courts below deserve to be upheld or reversed, while dealing with the arguments of the parties in the light of legal principles applicable to the case, it is difficult for this Court to sustain such order of the Division Bench. In our opinion, the disposal of the LPA by the Division Bench of the High Court cannot be said to be in conformity with the requirements of Order 41 Rule 31 of the Code of Civil Procedure, 1908(hereinafter referred to as “the Code”).”

9. Applying the aforesaid principles and further going into the order neither the reasons have been assigned nor any factual facts have been narrated so as to appreciate this Court as to how and why such finding has been arrived at. For the reason that the order is non-speaking and without any reasoning and is not supported with facts and law, we are inclined to set aside the same. Accordingly, the order dated 13.05.2015 (Annexure P-1) is set aside. The O.A. is remanded back to the Central Administrative Tribunal, Jabalpur, circuit sitting at Bilaspur for reconsideration afresh. It is expected that the Tribunal shall pass a detailed judicial order with the reasoning and the facts narrating therein so as to appreciate the same in further course again, if any. We are hopeful and

desirous that the Tribunal shall hear and decide the case as expeditiously as possible in the next sitting. Registry is directed to forward a copy of this order to the Registry of the Central Administrative Tribunal so that the matter can be listed and heard in the subsequent hearing which may take place at Bilaspur.

10. With the aforesaid observation, the writ petition is disposed of.

Sd/-

(P.R. Ramachandra Menon)

Chief Justice

Sd/-

(Goutam Bhaduri)

Judge

Ashu