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W.P(MD)No.19264 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 04.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P(MD)No.19264 of 2021
and
WMP(MD)Nos.16015 and 16017 of 2021

M.Jeyakumar ... Petitioner
Vs

1.The General Manager,
Tamil Nadu Transport Corporation (Madurai) Ltd,
Dindigul.

2.The Managing Director,
Tamil Nadu Transport Corporation
Bypass road,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus, calling for the impugned proceedings in Parvai LD4TN/2481, dated 20.08.2021, on the file of the second respondent and to quash the same as illegal and consequently direct the first respondent to give periodic increment and give the consequent review (2nd review) supposed to be given on November 2021.

For Petitioner : Mr.Rameez Ajmal Khan.R

For Respondents : Mr.J.Senthil Kumaraiah



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ORDER

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2.The learned Counsel for the petitioner submits that the petitioner is working as a Driver in the respondent corporation. On 23.09.2019 while he was plying the bus near Vembadikalam on Uthamapalayam Chinnamanur main road, caused an accident by hitting on a passerby, who sustained injury and subsequently died in the hospital. For this incident, departmental proceedings were initiated in the year 2019 and this petitioner was imposed with a punishment of increment cut with cumulative effect for three years on 16.07.2020. Aggrieved over the same, the petitioner preferred an appeal on 19.10.2020 before the second respondent the Managing Director, who without passing any order kept the matter pending for several months together. Therefore, the petitioner had preferred a writ petition



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before this Court in W.P(MD)No.3146 of 2021, wherein this Court directed the second respondent to dispose of the appeal within a period three months. In pursuance of same the second respondent dismissed the appeal vide impugned cryptic order in a single line. Aggrieved over the same, the present writ petition is filed.

3.Learned Standing Counsel appearing for the respondent corporation submits that the appellate authority found that the punishment imposed on the petitioner is sufficient and therefore, dismissed the appeal.

4.This Court paid its anxious consideration to the rival submissions and perused the materials placed on record.

5.The petitioner, who is a Driver in the respondent Corporation has been imposed with a punishment of increment cut for three years with cumulative effect. Challenging the same, the petitioner filed an appeal before the second respondent, who has after a direction from this Court in W.P(MD)No.3146 of 2021, dated 18.02.2021, dismissed the



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appeal vide the impugned order dated 20.08.2021.

In the impugned order it has been mentioned that the appeal of the petitioner has been considered and the punishment imposed on the petitioner was sufficient. The appeal has been decided in a single line without assigning any reason. The appellate authority has not made any discussion on the ground on which he is accepting the order of the disciplinary authority. The order without reasoning is like a body without a soul.

6.As per the Latin maxim "*cessante ratione legis cessat ipsa lex*" reason is the soul of the law. When the reason of any particular law ceases so does the law itself.

7.In a landmark judgment, in ***Kranti Associates Pvt.Ltd and Ors. Vs. Masood Ahamed Khan and ors, (2010)9 SCC 496*** the Honb'le Apex Court, after referring to several the judgments pronounced in this aspect has held as follows:

"a.In India the judicial trend has always been to record reasons, even in administrative decisions, if such decisions affect anyone prejudicially.



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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.



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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 life blood 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.



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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.

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.

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".

8.The Hon'ble Supreme Court in **Ram Chander vs The State Of Chhattisgarh** [Writ Petition (Crl) No 49 of 2022, dated 22 April, 2022], has held as follows:



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"Halsbury's Laws of India (Administrative Law) notes that the requirement to give reasons is satisfied if the concerned authority has provided relevant reasons. Mechanical reasons are not considered adequate. The following extract is useful for our consideration:

"[005.066] Adequacy of reasons Sufficiency of reasons, in a particular case, depends on the facts of each case. It is not necessary for the authority to write out a judgement as a court of law does. However, at least, an outline of process of reasoning must be given. It may satisfy the requirement of giving reasons if relevant reasons have been given for the order, though the authority has not set out all the reasons or some of the reasons which had been argued before the court have not been expressly considered by the authority. A mere repetition of the statutory language in the order will not make the order a reasoned one."

9. Every quasi judicial authority is a Court as per Section 3 of the Indian Evidence Act, 1972. The respondent being quasi judicial authority, while deciding the appeal has arbitrarily dismissed it



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without considering the relevant factors objectively and therefore, the impugned order is liable to be set aside.

10.In the light of the above, the impugned order is set aside and the matter is remanded back to the second respondent, the Managing Director, who shall consider the case of the petitioner and pass orders afresh on its own merits and in accordance with law as expeditiously as possible.

11.In fine, the writ petition is disposed of on the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

04.01.2022

Index : Yes / No
Internet : Yes / No
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Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



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B.PUGALENDHI , J.

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