

27 04.01.23

Ct. No. 04

Akd

WP.CT. 96 of 2022

Smt. Smritilekha Ghosh (Samanta)

Vs.

Union of India & Ors.

Mr. Ayan Banerjee,

Mr. Soumo Chaudhury.

... for the petitioner.

Mr. Sauvik Nandy.

... for the Union of India.

The preliminary point is taken in the instant writ petition that the impugned judgement is bereft of any independent findings or reasons assigned by the Tribunal on the given facts and circumstances of the case.

Our attention is drawn to the written submissions filed by the respective parties before the Tribunal and we find that the facts narrated in paragraph nos. 1 to 5 of the impugned judgement is a reproduction of the said written submissions, which cannot be perceived to be an independent findings arrived by the Tribunal. In paragraph 6 thereof the Tribunal surreptitiously jumped to the conclusion that in view of the foregoing discussions the married daughter was not dependant on the deceased employee at the time of his death and, therefore, is not entitled to get the appointment on compassionate ground.

Various factors are required to be gone into in this regard and if the Tribunal being an adjudicatory authority proceeded to dispose of the proceeding without recording its independent findings on the facts and law involved therein, such order lacking proper findings/reasons cannot withstand on the anvil of law. The reasons are the heart and soul of the order without which it cannot survive and even the

litigant is entitled to know the reasons for either admission or dismissal of their case and it is an ardent duty of the Tribunal to provide reasons in an adversarial system of dispensation of justice.

The order lacking reasons does not satisfy nor fulfil the Constitutional ethos or the wisdom of the law-maker and, therefore, the order impugned cannot be allowed to sustain solely on the ground that the order does not contain any independent findings/reasons and is, therefore, set aside.

The matter is remitted to the Tribunal to reconsider the said application afresh and after affording an opportunity of hearing to the respective parties shall dispose of the said proceeding within three weeks from the date of the communication of this order by recording proper reasons in accordance with law.

The writ petition is thus disposed of.

(Harish Tandon, J.)

(Prasenjit Biswas, J.)