

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

109+217

**CM-4964-CWP-2023 in/and
CWP-14610-2016
Date of Decision: 23.03.2023**

Neetu Devi

....Petitioner.

Versus

State of Haryana and others

...Respondents.

**CORAM: HON'BLE MR. JUSTICE M.S. RAMACHANDRA RAO
HON'BLE MRS. JUSTICE SUKHVINDER KAUR**

.....

Present: Petitioner-Neetu Devi, in person.

Ms. Tanisha Peshawaria, DAG, Haryana.

Mr. J.S. Bedi, Advcoate
for respondents No.2 to 4.

M.S. RAMACHANDRA RAO, J. (Oral)

CM-4964-CWP-2023

Prayer made in the application is for placing on record
Annexures P-18 to P-20.

Application is allowed, the documents Annexures P-18 to P-20
are taken on record, subject to all just exceptions.

CWP-14610-2016

In this writ petition, the petitioner has challenged the order
dt.18.08.2009 passed by Haryana Power Generation Corporation Limited,
rejecting her claim for compassionate financial assistance under the Haryana
Compassionate Assistance to the Dependants Deceased Government
Employees Rules, 2006.

In the impugned order, no reason is assigned for rejecting the petitioner's claim.

It is settled law that the reasons need to be assigned for rejecting the claims of this nature, so that the application of mind by the competent authority is apparent to any forum where such orders are challenged.

In *S.N.Mukherjee v. Union of India, AIR 1990 SC 1984*, a Constitution Bench of the Supreme Court underscored the importance of giving of reasons by administrative authorities in the following terms:

“Reasons, when recorded by an administrative authority in an order passed by it while exercising quasi-judicial functions, would no doubt facilitate the exercise of its jurisdiction by the appellate or supervisory authority. But the other considerations, referred to above, which have also weighed with this Court in holding that an administrative authority must record reasons for its decision, are of no less significance. These considerations show that the re-cording of reasons by an administrative authority serves a salutary purpose, namely, it excludes chances of arbitrariness and ensures a degree of fairness in the process of decision-making. The said purpose would apply equally to all decisions and its application cannot be confined to decisions which are subject to appeal, revision or judicial review. In our opinion, therefore, the requirement that reasons be recorded should govern the decisions of an administrative authority exercising quasi-judicial functions irrespective of the fact whether the decision is subject to appeal, revision or judicial review. It may, however, be added that it is not required that the reasons should be as elaborate as in the decision of a Court of law. The extent and nature of the reasons would depend on particular facts and circumstances. What is necessary is that the reasons are clear

and explicit so as to indicate that the authority has given due consideration to the points in controversy. The need for recording of reasons is greater in a case where the order is passed at the original stage. The appellate or revisional authority, if it affirms such an order, need not give separate reasons if the appellate or revisional authority agrees with the reasons contained in the order under challenge.

... ..

“The object underlying the rules of natural justice "is to prevent miscarriage of justice" and secure "fairplay in action." As pointed out earlier the requirement about recording of reasons for its decision by an administrative authority exercising quasi-judicial functions achieves this object by excluding chances of arbitrariness and ensuring a degree of fairness in the process of decision-making. Keeping in view the expanding horizon of the principles of natural justice, we are of the opinion, that the requirement to record reason can be regarded as one of the principles of natural justice which govern exercise of power by administrative authorities. The rules of natural justice are not embodied rules. The extent of their application depends upon the particular statutory framework whereunder jurisdiction has been conferred on the administrative authority....

For the reasons aforesaid, it must be concluded that except in cases where the requirement has been dispensed with expressly or by necessary implication, an administrative authority exercising judicial or quasi-judicial functions is required to record the reasons for its decision.”

On the short ground, this writ petition is allowed and the order dt.18.08.2009 passed by respondent No.2 is set aside and respondents No.2 to 4 are directed to reconsider the issue and pass a reasoned order within three weeks and communicate the same to the petitioner.

No costs.

The challenge to the vires of the Rule in question is left open.

(M.S. RAMACHANDRA RAO)
JUDGE

(SUKHVINDER KAUR)
JUDGE

23.03.2023
Komal

Whether speaking/reasoned?	:	Yes/ No
Whether reportable?	:	Yes/ No