

CWP-26837-2015

2023:PHHC:125924

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-26837-2015

Date of Decision :-25.09.2023

S.R. Sherawat

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Shalender Mohan, Advocate for the petitioner.

Mr. Sourabh Mohunta, DAG, Haryana.

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Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the claim of the petitioner is that he is entitled for the grade pay of Rs.8000/- as given to Additional Director Agriculture instead of Rs.7600/-, which has been given to the post of Chief Hydrologist.

2. Learned counsel for the petitioner submits that though, the claim has been raised by the petitioner on various grounds/facts but from the impugned order, nothing can be made out as to on what grounds the relief claimed by the petitioner has been declined hence, the impugned order is totally cryptic and non-speaking and cannot be held to be valid in the eyes of law.

3. Learned counsel for the respondents submits that though, nothing transpires from the impugned order dated 27.07.2015 (Annexure P/8) as to on what basis the relief claimed by the petitioner was declined on the ground that in the facts and circumstances of the present case, claim of

the petitioner qua the grant of grade pay of Rs.8000/ is not available with the petitioner as the petitioner belongs to entirely different category of the post from the post of Additional Director Agriculture.

4. I have heard learned counsel for the parties and have gone through the record with their able assistance.

5. The claim of the petitioner is that the post of Chief Hydrologist (Director), on which post the petitioner was working, is equivalent to the post of Additional Director Agriculture and as the Additional Director Agriculture has been granted the grade pay of Rs.8000/-, the petitioner be given the same pay scale as admissible to the said of post Additional Director Agriculture, which claim of the petitioner has been rejected by the respondents vide impugned order dated 27.07.2015 (Annexure P/8).

6. Bare perusal of the impugned order would show that no reason has been mentioned so as to decline the claim of the petitioner. Once, a claim has been raised on various facts/grounds, those facts need to be discussed in the order so that the claimant should know as to what weighed in the mind of the authority concerned while declining his/her claim. As per the settled principle of law settled by the Hon'ble Supreme Court of India in Civil Appeal No.457 of 1970 titled as **Mahabir Prasad Santosh Kumar vs. State of U.P. and others**, decided on 02.04.1970, all administrative order should be speaking in nature. It may be noticed that the same question of law has also been settled by the Division Bench of this Court in **CWP-7167-1996** tiled as **M/s Ram Rattan Aggarwal and Co. vs. State of Haryana**, decided on 24.07.1996. Relevant paragraph of the judgment is reproduced as under:-

13. In addition to the observations made and the directions given in the various orders passed by this Court to which

reference has been made hereinabove, we deem it proper to reiterate the well established principles of law that every quasi-judicial authority must give reasons in support of its order in case such order adversely affects the rights or interest of a person. The requirement of passing speaking order by quasi-judicial authorities has been recognised as a necessary concomitant of the requirement to comply with the rules of natural justice. The reasons are links between the maker of the order or the author of the decision and the order itself. They indicate the process of application of mind by the competent authority to the subject-matter which is under consideration before it and also provides an opportunity to the Court to find out whether any extraneous or irrelevant factor has been taken into consideration for arriving at a particular conclusion. In *S.N. Mukherjee v. Union of India*, 1991(1) SCT 241 (SC) : 1990(4) SCC 584, a Constitution Bench of the Supreme Court considered the issue at length and after making reference to the Indian, American, English and Australian laws on the subject, the apex Court has held that except in cases of express exclusion by statute or in cases where such exclusion can be inferred from the nature of power exercised by the quasi-judicial authority, every quasi-judicial authority must act in consonance of the principles of natural justice and must give reasons in support of its orders. Requirement of recording of reasons even in the absence of statutory provision has been held to be implied in *Bhagat Raja v. Union of India*, AIR 1967 Supreme Court 1606. In *Travancore Rayon Limited v. Union of India*, AIR 1971 Supreme Court 871 and *M/s. Mahabir Prasad v. State of U.P.*, AIR 1970 Supreme Court 1031, the Supreme Court has held that the reasons should not only be recorded but must be communicated to the affected person.”

7. Hence, the order impugned in the present petition is passed in a manner contrary to the settled principle of law noticed hereinbefore.

8. Keeping in view the above, impugned order dated 27.07.2015 (Annexure P/8) is set aside and the matter is remanded back to the respondents to pass an appropriate speaking order.

9. As the petitioner has already retired from service, it will be in the interest of justice, if appropriate speaking order will be passed within a period of 08 weeks from the date of receipt of copy of this order.
10. Petition stands disposed of in above terms.

September 25, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

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