



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Writ Petition No. 7783 of 2023

n Panchayat Mangrul Kambe, Tah. Murtizapur, Dist. Akola through it's Sarpanch ..vs.. Zilla
Parishad, Akola through its C.E.O. and ors.]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R. D. Karode, Advocate for the petitioner
Ms. R. P. Bondade, Advocate for respondent nos. 1 and 2
Mr. C. A. Joshi, Advocate for respondent no. 3

CORAM : ANIL L. PANSARE J.

DATED : 18-09-2024

Heard.

2. This is a classic case of non-speaking order having far reaching effects. The impugned order reads thus :

“01] Heard arguments of both the parties. Considering the circumstances, this Court is of the opinion that the Respondent No. 1 is directed to resume his duty as Peon with the Applicant from 15th November, 2023.

02] The Advocate for the Applicant has convinced me to stay the back wages, but since the case of the opponent is that, he is out of employment for about 8 years, I disagree with the argument of the Applicant, not to reinstate him and therefore, further directions are passed.

O R D E R

- i. The Applicant is hereby directed to reinstate the Respondent No. 1 from 15th November, 2023.
- ii. The order of back wages of the learned Labour Court is stayed till final disposal of the case.”

3. As could be seen, the request made by the petitioner – original applicant to the effect of granting stay to the back wages is granted only on the count that Advocate for applicant has convinced the Industrial Court for granting stay. So far as request to not to reinstate the respondent no. 3 is concerned, only reason assigned is that the Industrial Court has disagreed with the argument of the petitioner-applicant.

4. The Labour Court vide judgment and order dated 11-10-2022 has assigned detail reasons as to why should respondent no. 3 be not only reinstated in the service but also to receive back wages. Despite these detail reasons, the Industrial Court, without considering the same, has passed cryptic order directing petitioner to reinstate respondent no. 3, at the same time, has stayed the order directing the petitioner to pay back wages to the respondent no. 3. Both the orders have far reaching effects on petitioner – employer and the respondent no. 3 – employee.

5. The importance of reasoned order/judgment has been explained by the Hon'ble Supreme Court in the case of ***Assistant Commissioner, Commercial Tax Department, Works Contract and Leasing, Kota V/s Shukla and Brothers [(2010) 4 SCC 785]***, in following terms :

“27. By practice adopted in all courts and by virtue of judge-made law, the concept of reasoned judgment has become an indispensable part of basic rule of law and, in fact, is a mandatory requirement of the procedural law. Clarity of thoughts leads to clarity of vision and proper reasoning is the foundation of a just and fair decision. In Alexander Machinery (Dudley)

Ltd. there are apt observations in this regard to say “failure to give reasons amounts to denial of justice”. Reasons are the real live links to the administration of justice. With respect we will contribute to this view. There is a rationale, logic and purpose behind a reasoned judgment. A reasoned judgment is primarily written to clarify own thoughts; communicate the reasons for the decision to the concerned and to provide and ensure that such reasons can be appropriately considered by the appellate/higher court. Absence of reasons thus would lead to frustrate the very object stated hereinabove.”

Thus the Hon’ble Apex Court has, in so many words, explained the importance of reasoned judgment. The Apex Court proceeds to observe that failure to give reasons amounts to denial of justice and assigning reasons is a basic rule of law, nay, is a mandatory requirement of procedural law.

6. The Industrial Court shall, therefore, revisit the request made by the petitioner and consider the same on its own merits and shall pass order by assigning reasons. The order impugned dated 18-10-2023 is accordingly quashed and set aside.

7. Application, Exhibit C-2 is restored on the file of Industrial Court, Akola for decision afresh in the light of what has been stated in the body of the order.

8. The parties shall appear before the Industrial Court, Akola on 7-10-2024.

(Anil L. Pansare, J.)