



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

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CWP-32959-2024 (O&M)

Date of decision: 09.12.2024

Kamaljeet Kaur

..Petitioner

Versus

State of Haryana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Manish K. Singla, Advocate for the petitioner.

Ms. Vibha Tewari, AAG, Haryana.

Mr. Brijeshwar Kaushik, Advocate for respondent No.5.

AMAN CHAUDHARY, J. (ORAL)

1. Learned counsel for the petitioner submits that claim of the petitioner for grant of benefits related to past service and pay protection has been rejected vide order dated 27.09.2023 (Annexure P13) without assigning any reason and prays that the matter be directed for reconsideration in a time bound manner.

2. Faced with the above, learned State counsel, on instructions from Mr. Dinesh Kumar, DA, Health Department, submits that the matter shall be reconsidered and decided by passing a speaking order.

3. This Court in **Ashok Kumar vs. State of Haryana and Others**¹ had observed that a single line non-speaking order rejecting the claim of the petitioner for ex-gratia appointment, passed without considering the facts and circumstances

¹ 2002 SCC OnLine P&H 1450



of the case, was violative of the principles of Natural Justice.

4. Hon'ble the Supreme Court in **M/s Kranti Associates Pvt. Ltd. And Another vs. Sh. Masood Ahmed Khan and Others**,² wherein it was held that the face of an order passed by a quasi-judicial authority or even an administrative authority affecting the rights of parties, must speak and must not be like the 'inscrutable face of a Sphinx. The authorities are under a legal obligation to give reasons while passing an order, which are the essence and virtually a part of the due process. The principles, as relevant to the present case, laid down therein read thus:

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

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. XX XX XX

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.

XX XX XX

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.

XX XX XX”

5. Administrative authorities must record reasons for their decisions, to help to curb arbitrariness and ensure fairness in decision-making processes, which

² 2010(9) SCC 496



not only assists the Court in scrutinising the case effectively but prevents a revolving door of appeals to the same institution

6. As a fall out of the above, it would be in the interest of justice to direct the respondents to consider the matter afresh, in accordance with law and in case the petitioner is found entitled to grant benefit else pass a reasoned order within a period of four months, after affording an opportunity of hearing to the petitioner.

7. Disposed of accordingly.

(AMAN CHAUDHARY)
JUDGE

09.12.2024
ashok

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