



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3506]

THURSDAY, THE THIRTIETH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE CHALLA GUNARANJAN

WRIT PETITION NO: 18323/2002

Between:

1.M.S.N. REDDY, S/O LATE M. VEERA REDDY R/O DOOR NO. 44-34-32/1, NANDAGIRI NAGAR AKKAYYAPALEM (POST) VISAKHAPATNAM -530016

...PETITIONER

AND

- 1.SOUTH EASTERN RAILWAY CALCUTTA 2 ORS, RAILWAY PROTECTION FORCE, SOUTH EASTRN RAILWAY, GARDEN REACH,
- 2.THE SR SECURITY COMMISSIONER, RAILWAY PROTECTION FORCE, SOUTH EASTERN RAILWAY, WALTAIR DIVISION,
- 3.THE DIVISIONAL SECURITY COMMISSIONER, RAILWAY PROTECTION FORCE, SOUTH EASTERN RAILWAY, CHAKRADHARIPUR,

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased toto issue writ order or dirction ;more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd respondmet in passing removal order in Proc. D. O. No. 457/91, dated 18-7-91 and rejection order passed by the 1st Respondent in proc. NO. RPF/DA_-I/Appeal /MSNR- const.. 775/WAT/8530, dt 20.8.2002, which was communicated through the proc. No. WAT/DA/Appeal/ MSNR/7092, dated 29/8/2002 of the 2nd respondnet is illegal, arbitrary and violative of the article 14 & 16 of the constitution of India

and consequent direct the Respondents to re-instate the petitioner into service with, all consequential benefits.

IA NO: 1 OF 2002(WPMP 23041 OF 2002)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the 1st respondent to re-consider the appeal dt 20-4-2002 on merits and pass appropriate orders thereon.

Counsel for the Petitioner:

1.J M NAIDU

Counsel for the Respondent(S):

1.BETHAPALLI SURYANARAYANA (CENTRAL GOVT COUNSEL)

2..

The Court made the following:

THE HONOURABLE SRI JUSTICE CHALLA GUNARANJAN

WRIT PETITION No.18323 of 2002

ORDER:

Present writ petition is filed seeking following relief:

“to issue writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd respondent in passing removal order in Proc.D.O.No. 457/91 dated 18.7.91 and rejection order passed by the 1st Respondent in proc No.RPF/DA-I/Appeal/MSNR-Const.. 775/WAT/8530, dt.20.8.2002, which was communicated through the proc No.WAT/DA/Appeal/MSNR/7092, dated 29/8/2002 of the 2nd respondent is illegal, arbitrary and violative of the article 14 & 16 of the constitution of India and consequently direct the Respondents to reinstate the petitioner into service with all consequential benefits and pass such other or further orders.”

2. (a) Petitioner was appointed as constable on 26.08.1975 in Railway Protection Force. He was working at Waltair Division at relevant point of time, however, he was abruptly transferred to Chakradharpur Division by proceedings dated 27.06.1989. Petitioner stated to have raised grievance of such transfer by making representation. However, pending the same, he stated to have fell sick and got admitted to railway hospital for undergoing

treatment. Petitioner was later discharged from hospital by issuing medically sick certificate dated 23.06.1989. He, thereafter, got admitted to private hospital for further treatment. As petitioner was not keeping good health, he could not attend to duties. Later, after recovering, he reported for duty and submitted medical certificates for the absence. However, the petitioner was not allowed to join duties, therefore, he preferred W.P. No.5879 of 2001 before this Court.

(b) While pending the writ petition, he was served with orders dated 18.07.1991 issued by 3rd respondent, by which, he came to be removed from service. Since as against the order of removal there was an alternative remedy of appeal before 1st respondent, petitioner immediately preferred appeal on 20.04.2002. Strangely, the 2nd respondent passed orders on 29.08.2002 rejecting the appeal.

(c) Assailing the same, present writ petition is filed.

3. (a) Respondents have filed counter inter alia stating that as petitioner has not reported to the new station, he being duly transferred by competent authority, on account of the unauthorized absence, disciplinary proceedings came to be initiated against him by issuing charge memo and further that as petitioner did not

responded to the notices issued despite service, the departmental proceedings were concluded *ex parte* and ultimately punishment of removal from service was ordered.

(b) It is further stated that when petitioner approached this Court on earlier occasion, he was made aware of aforesaid aspects, therefore, he preferred appeal before the 1st respondent and even the appellate authority, after considering the grounds raised in appeal, has ultimately rejected the same by orders dated 08.09.2002 and the same has been ordered to be communicated by 2nd respondent. Accordingly, 2nd respondent, by proceedings dated 29.08.2002, has duly communicated the same. Therefore, the action of respondents was sought to be justified and pleaded for dismissal of the writ petition.

4. Heard Sri J.M.Naidu, learned counsel for petitioner and Sri Bethapalli Suryanarayana, learned standing counsel for Central Government.

5. Learned counsel for petitioner primarily contended that when petitioner has preferred appeal before the 1st respondent on 20.04.2002 by elaborately raising various grounds assailing the order of removal, it was incumbent upon the appellate authority to consider the same and pass appropriate order after providing due

opportunity, which is clearly lacking in the present case and further that the appellate authority has not communicated any order as such, but strangely the 2nd respondent has issued impugned proceedings dated 29.08.2002, purportedly exercising the appellate jurisdiction and intimated that the appeal has been rejected in terms of Rule 219.4 of Railway Protection Rules, 1987, which is clearly illegal and arbitrary and without jurisdiction.

6. Learned counsel for respondents, however, tried to persuade this Court by contending that the appeal has been duly considered and rejected on merits strictly in accordance with the rules and that there is no illegality in passing the order.

7. Perused the record and considered the rival submissions.

8. Petitioner was discharging duties as constable and was transferred to Chakradharpur Division by proceedings dated 27.06.1989. On account of his non-joining at the new station and for unauthorized absence, he was proceeded with disciplinary action. It is the case of respondents that since petitioner has not responded to the notices issued, when tried to communicate the charge memo and further proceedings before the disciplinary authority, *ex parte* proceedings have been passed, and ultimately petitioner came to be removed from service by proceedings dated

18.07.1991. There is some amount of dispute with respect to service and communication of notices, inasmuch as the petitioner in appeal before 1st respondent has tried to ventilate that the inquiry was conducted behind his back without providing due opportunity of hearing. This Court, in the present proceedings, is not concerned with the merits or the aspect of proper issuance of notice to the petitioner. Since the subject matter has been carried on appeal before 1st respondent, this Court is only required to examine whether the 1st respondent – appellate authority has disposed of the appeal in accordance with law after providing due opportunity and communicated the order.

9. Perusal of record goes to show that appeal was preferred before 1st respondent on 20.04.2002. The impugned proceedings dated 29.08.2002 has been issued by 2nd respondent. The sum and substance of the said proceedings show that the 2nd respondent, after carefully examining the subject case, has rejected the same in terms of Rule 219.4 of Railway Protection Rules, 1987. It also states that 1st respondent has instructed 2nd respondent by letter dated 20.08.2002 to communicate aforesaid outcome. This Court, on appreciation of contents of aforesaid impugned proceedings, is of the opinion that the same

can neither be construed as a valid order issued by 1st respondent-appellate authority nor there are any reasons supplied along with the said proceedings, which are stated to have been arrived at by the 1st respondent in the process of adjudication of the appeal.

10. It is trite law that recording or providing reasons by quasi-judicial authority is basic requirement as the aggrieved party is required to know the reasons on which the decision has been made for the purpose of assailing it before higher forums. In **Kranti Associate (P) Limited v. Masood Ahmed Khan¹**, the Hon'ble Apex Court at Paragraphs 12 and 47 held as follows:

"12. The necessity of giving reason by a body or authority in support of its decision came up for consideration before this Court in several cases. Initially this Court recognised a sort of demarcation between administrative orders and quasi-judicial orders but with the passage of time the distinction between the two got blurred and thinned out and virtually reached a vanishing point in the judgment of this Court in **A.K. Kraipak v. Union of India** [(1969) 2 SCC 262: AIR 1970 SC 150]

47. Summarising the above discussion, this Court holds:

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

¹ (2010) 9 SCC 496

- (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) Reasons reassure that discretion has been exercised by the decision-maker on relevant grounds and by disregarding extraneous considerations.
- (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.
- (g) Reasons facilitate the process of judicial review by superior courts.
- (h) The ongoing judicial trend in all countries committed to rule of law and constitutional governance is in favour of reasoned decisions based on relevant facts. This is virtually the lifeblood of judicial decision-making justifying the principle that reason is the soul of justice.
- (i) Judicial or even quasi-judicial opinions these days can be as different as the judges and authorities who deliver them. All these decisions serve one common purpose which is to demonstrate by reason that the relevant factors have been objectively considered. This is important for sustaining the litigants' faith in the justice delivery system.

(j) Insistence on reason is a requirement for both judicial accountability and transparency.

(k) If a judge or a quasi-judicial authority is not candid enough about his/her decision-making process then it is impossible to know whether the person deciding is faithful to the doctrine of precedent or to principles of incrementalism.

(l) Reasons in support of decisions must be cogent, clear and succinct. A pretence of reasons or "rubberstamp reasons" is not to be equated with a valid decision-making process.

(m) It cannot be doubted that transparency is the sine qua non of restraint on abuse of judicial powers. Transparency in decisionmaking not only makes the judges and decision-makers less prone to errors but also makes them subject to broader scrutiny. (See David Shapiro in Defence of Judicial Candor [(1987) 100 Harvard Law Review 73137].)

(n) Since the requirement to record reasons emanates from the broad doctrine of fairness in decision-making, the said requirement is now virtually a component of human rights and was considered part of Strasbourg Jurisprudence.

(o) In all common law jurisdictions judgments play a vital role in setting up precedents for the future. Therefore, for development of law, requirement of giving reasons for the decision is of the essence and is virtually a part of "due process".

11. In the counter, the 1st respondent has taken a stand that the appellate authority has examined the case and rejected the same in terms of Rule 219.4 of Railway Protection Force Rules and

accordingly, advised the 2nd respondent to inform the same to the writ petitioner, which ultimately came to be intimated by impugned proceedings.

12. Though this Court has on multiple occasions granted time to the learned counsel for respondents to place on record the order of appellate authority even if any passed, the same has not been produced, therefore, this Court is constrained to draw an inference that no such order exists even otherwise.

13. In view of the same, this writ petition is allowed and the impugned proceedings dated 29.08.2002 issued by 2nd respondent is hereby set aside and the matter is remanded back to 1st respondent for considering the appeal preferred by petitioner de novo after providing due opportunity of hearing to the petitioner and pass appropriate speaking order in accordance with law. Aforesaid exercise shall be concluded within three months from the date of receipt of copy of this order. No costs.

As a sequel, miscellaneous petitions pending consideration, if any, in this case shall stand closed.

CHALLA GUNARANJAN, J

30.10.2025
SS