

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

Date of decision: 22.12.2025

....Petitioners

Versus

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. B.P.S. Virk, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

1. The present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing the communication/letter dated 31.08.2021 (Annexure P-16) and further, for issuance of a writ in the nature of *mandamus* directing the respondents to treat the petitioner a regular employee by taking into consideration his initial appointment.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner was appointed as a Driver on 16.12.1998 on consolidated pay as discernible from Annexure P-1. On account of one road side accident, the service of the petitioner was terminated. However, he was acquitted by the learned trial Court and was reinstated on 03.05.2011 (Annexure P-4) by means of a fresh appointment letter, denying him continuity of service and back wages. Thereafter, the State of Punjab issued a regularization policy on 18.03.2011 (Annexure P-17) and subsequently, a list of 377 contractual employees was prepared, which included the name of the petitioner at



CWP-37507-2025

-2-

Serial No.294 as evident from Annexure P-7. However, only 350 employees were regularized vide order dated 23.12.2011(Annexure P-9), excluding the petitioner without any formal communication. Moreover, similarly circumstanced employees, namely, Neetu Rani and Nardeep Kaur at Serial No.325 & 326, respectively, were granted regular pay scales on 23.05.2012 after completing three years of service, as discernible from Annexures P-13 & P-14. The petitioner moved various representations but was met with a non-speaking rejection vide letter dated 31.08.2021 (Annexures P-16).

3. He further submits that the case of the petitioner is squarely covered by the judgments rendered by the Hon'ble Supreme Court in *Jaggo v. Union of India and others* 2025 AIR SC 296 and *Dharam Singh and Others v. State of U.P. and Another* 2025 SCC OnLine SC 1735 and the judgment rendered by this Court in CWP No.12211 of 2021 titled as '*Hans Raj and others v. Pepsu Road Transport Corporation and others*' along with other bunch of writ petitions decided on 30.09.2025.

4. Having heard learned counsel for the petitioner and on perusal of the record, it transpires that the response to the legal notice filed by the petitioner does not satisfy the objectives standards of reason and justice. The impugned reply (Annexure P-16) to the legal notice does not indicate any application of mind and the same is passed in a cryptic manner. It is now a well-engrained principle of our jurisprudence that **reason is the foundation upon which justice stands**. The consistent voice of the Hon'ble Supreme Court echoes that an unreasoned order is not merely a procedural lapse but a denial of justice itself. The giving of reasons transforms authority into



accountability, discretion into discipline, and power into fairness. It assures the litigant that justice has not only been done but has been *thought through*. The duty to give reasons, therefore, is not a formality but a constitutional necessity flowing from the rule of law.

5. In ***Raj Kishore Jha vs. State of Bihar, (2003) 11 SCC 519***, a two Judge Bench of the Hon'ble Apex Court while speaking through Justice Arijit Pasayat crystallized the principle thus: "*Reason is the heartbeat of every conclusion. Without the same, it becomes lifeless.*" An order without reasons is anathema to a system of justice based on the rule of law. Further, a two-Judge Bench of the Hon'ble Supreme Court in ***U.P. Avas Evam Vikas Parishad v. Sheo Narain Kushwaha 2011(6) SCC 456***, speaking through Justice R.V. Raveendran observed that,

"7. Unless the order is reasoned, there will be no way of knowing whether the appellate court has examined the appeal before deciding that it did not deserve admission. As a limited right to appeal to Supreme Court is available against the appellate judgments of the High Court, unless there are reasons in the order of dismissal, it will not be possible for the Supreme Court to examine whether the High Court has rightly rejected the appeal. The appellant who has filed the first appeal in pursuance of a statutory right to file such appeal, paying necessary court fee, can legitimately expect re-appreciation of the evidence and re-determination of the questions raised, unless the statute providing for the appeal provides otherwise."

6. A Two-Judge Bench of the Hon'ble Supreme Court in case of ***Chairman and Managing Director, United Commercial Bank & Ors. v. P.C. Kakkar (2003) 4 SCC 364*** laid down the importance of reasons in decision



making process, and while speaking through Justice Arijit Pasayat observed that :-

*“15. It needs no emphasis that when a court feels that the punishment is shockingly disproportionate, it must record reasons for coming to such a conclusion. Mere expression that the punishment is shockingly disproportionate would not meet the requirement of law. Even in respect of administrative orders Lord Denning, M.R. in Breen v. Amalgamated Engg. Union observed: (All ER p. 1154h) **'The giving of reasons is one of the fundamentals of good administration'**. In Alexander Machinery (Dudley) Ltd. v. Crabtree it was observed: **'Failure to give reasons amounts to denial of justice. Reasons are live links between the mind of the decision-taker to the controversy in question and the decision or conclusion arrived at.'** **Reasons substitute subjectivity by objectivity.** The emphasis on recording reasons is that if the decision reveals the 'inscrutable face of the sphinx', it can by its silence, render it virtually impossible for the courts to perform their appellate function or exercise the power of judicial review in adjudging the validity of the decision. **Right to reason is an indispensable part of a sound judicial system. Another rationale is that the affected party can know why the decision has gone against him. One of the salutary requirements of natural justice is spelling out reasons for the order made, in other words, a speaking out. The 'inscrutable face of a sphinx' is ordinarily incongruous with a judicial or quasi-judicial performance.** But as noted above, the proceedings commenced in 1981. The employee was placed under suspension from 1983 to 1988 and has superannuated in 2002. Acquittal in the criminal case is not determinative of the commission of misconduct or otherwise, and it is open to the authorities to proceed with the disciplinary proceedings, notwithstanding acquittal in the criminal case. It per se would not entitle the employee to claim immunity from the proceedings. At the most the factum of acquittal may be a circumstance to be considered while awarding punishment. It would depend upon the facts of each case and even that cannot have universal application.”*

7. A Two-Judge Bench of the Hon'ble Apex Court in the case of ***Kranti Associates Private Limited and another Vs. Masood Ahmed Khan and others (2010) 9 SCC 496*** while speaking through Justice A.K.Ganguly made the following observation,



“51. Summarizing 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.

(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 quasijudicial 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 'rubber-stamp 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 decision making 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 731-737).

(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. See (1994) 19 EHHR 553, at 562 para 29 and Anya v. University of Oxford : 2001 EWCA Civ 405, wherein the Court referred to Article 6 of European Convention of Human Rights which requires, "adequate and intelligent reasons must be given for judicial decisions".



CWP-37507-2025

-7-

(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".

8. In view of the above, the present petition is disposed of and the impugned communication/letter dated 31.08.2021 (Annexure P-16) is hereby set aside. The respondent-Corporation is directed to pass a reasoned speaking order in the light of the judgments cited by the petitioner in ***Jaggo's case (supra)***, ***Dharam Singh's case (supra)*** & ***Hans Raj's case (supra)*** and also the precedents in case of similarly circumstanced employees, namely, Neetu Rani and Nardeep Kaur within a period of two months from the date of receipt of certified copy of this order.

(HARPREET SINGH BRAR)
JUDGE

22.12.2025

Neha

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