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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 4881/2018**

**SMT. SEEMA KATYAL**

.....Petitioner

Through: Dr. L.S. Chaudhary, Mr. Anurag Singh Tomar, Mr. D.S. Chaudhary and Ms. Shivangi Shokeen, Advs.

versus

**UNION OF INDIA AND ORS.**

.....Respondents

Through: Dr. Monika Arora, CGSC with Mr. Subhrodeep Saha, Mr. Prabhet Kumar, Ms. Anamika Verma Advs. for R-1  
Mr. B.P. Nahar and Mr. P.S. Chaenkar, Advs. for R-2

**CORAM:**

**HON'BLE MR. JUSTICE AVNEESH JHINGAN**

**ORDER**

**11.11.2025**

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1. This petition is filed for seeking quashing of order dated 09.02.2018 dismissing the appeal.

2. The brief facts are that the petitioner was appointed as Junior Stenographer on 28.09.2000 with respondent no. 2. After completion of her probation period of two years, the petitioner proceeded on maternity leave on 08.01.2003. The petitioner sought extension of leave after expiry of her maternity leave.

2.1 In spite of the extensions and refusal of the respondent no. 2 to further extend the leave, the petitioner failed to join the duties and departmental proceedings were initiated. The proceedings culminated in order of termination dated 10.01.2006.

2.2 Aggrieved of the inaction of the appellate authority to decide the appeal, the petitioner approached this court by filing a writ petition which



was disposed of on 01.12.2017 directing the appellate authority to decide the appeal within six weeks on receipt of the order after providing an opportunity of personal hearing to the petitioner. The appeal was dismissed on 09.02.2018. Hence, the present petition was filed.

3. Learned counsel for the petitioner submits that the appellate authority has dismissed the appeal by passing a cryptic order.

4. Learned counsel for the respondents submits that considering the conduct of the petitioner that in spite of various opportunities having been provided, she failed to join the duty, the removal from service was justified.

5. The law is well settled that a quasi-judicial authority has to not only pass a speaking order but the reasons are to be communicated to the affected party. Reference in this regard be made to decision of the Apex Court in the case of **M/s Kranti Associates Pvt. Ltd. And another v. Sh. Masood Ahmed Khan and others reported in 2010(9) SCC 496** held as under:

*“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. 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 serving principles of natural justice by judicial, quasijudicial 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. 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.*

*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".*

6. The appellate order is bald of reasons and is a non-speaking, consequently, is quashed.
7. The matter is remitted to the appellate authority to decide the appeal afresh, in accordance with law and by passing a speaking order.
8. Considering that the removal from service is of the year 2006, the appellate authority shall decide the appeal expeditiously not later than three months from the receipt of the certified order.
9. In order to avoid any further delay and complications, let the parties appear before the appellate authority on 25.11.2025 at 11.00am.
10. The writ petition is accordingly allowed.

**AVNEESH JHINGAN, J**

**NOVEMBER 11, 2025/Pa**