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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 12211/2018 & CM APPL. 47352/2018**
MAHABIR SINGHPetitioner

Through: Mr. Achal Gupta, Ms. Saiqa Dawood,
Ms. Yukta, Mr. Aryan Sangwan and
Mr. Ujjwal Jain, Advs.

versus

DELHI URBAN SHELTER IMPROVEMENT BOARD
& ORSRespondents

Through: Mr. Rishikant Singh, Mr. Prakhar Raj
Thakur and Mr. Manoj Jadly, Advs.

CORAM:
HON'BLE MR. JUSTICE AVNEESH JHINGAN

ORDER

07.11.2025

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1. This petition is filed seeking quashing of the order dated 10.09.2018 dismissing the appeal.
2. The brief facts are that the petitioner was appointed as a Lower Division Clerk (LDC) on 06.07.1988 with DDA. Slum Wing of the DDA was transferred to Municipal Corporation of Delhi and ultimately the petitioner was the employee of Delhi Urban Shelter Improvement Board. The departmental proceedings initiated against the petitioner culminated in order dated 13.06.2017, imposing a penalty of reduction to a lower stage in the time scale of pay by two stages for a period of one year. Further that the petitioner shall not earn increments of pay during the period of reduction and until the expiry of such reduction. The appeal filed by the petitioner, aggrieved of the order was dismissed on 01.09.2017. Petitioner filed W.P. (C) No. 3940/2018 and the petition was allowed on 20.04.2018. The appellate authorities directed to reconsider the appeal afresh by passing a



speaking order.

3. In pursuance to the remand, the impugned order dated 10.09.2018 was passed by the appellate authority. Hence the present petition was filed.

4. Learned counsel for the petitioner submits that the directions of this Court have not been complied with.

5. Learned counsel for the respondent defends the order.

6. It is a trite law that a quasi judicial Authority has to pass speaking orders and 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".

7. The appellate order is bald of reasons and is violative of the principles of natural justice, consequently is set aside.
8. The matter is remitted to the appellate authority to decide the appeal afresh by passing a speaking order.
9. Considering that there is a previous history of litigation and the penalty is of the year 2017, the appellate authority shall decide the appeal within three months from the receipt of the certified order.

AVNEESH JHINGAN, J

NOVEMBER 7, 2025/Pa