

09.06.2026
Item No.17
Ct. No.1
KS

WP.CT 53 of 2025
Samarendu Mukherjee
Vs.
The Union of India & Ors.

Mr. Allen Felix
.....For the Petitioner
Mr. Ramesh Kumar Sharma
Mr. Anish Kumar Mukherjee
.....For the Union of India

DICTATED BY SUJOY PAUL, CJ.:

1. Parties are represented through their respective learned counsel.
2. With the consent of the parties, matter is finally heard.
3. The challenge is mounted in this petition filed under Article 226/227 of the Constitution of India to the order dated 20.12.2024 [in Prayer clause wrongly mentioned as '12.12.2024' in O.A. No.350/482/2023 (Kolkata)].
4. The petitioner filed the said O.A. seeking his promotion as 'Postman' because he succeeded in the Limited Departmental Competitive Examination (L.D.C.E.). The Tribunal after completion of pleadings, heard the parties and passed the impugned order dated 20.12.2024.
5. Learned counsel for the petitioner by taking this Court to the impugned order of the Tribunal urged that up to paragraph 11 of the impugned order, the

learned Tribunal has mentioned the facts of the case and the rival contentions advanced at the bar. Whatever findings are given, mentioned in paragraphs 13 and 14 only. By criticizing the said paragraphs, it is urged that there is no application of mind and without assigning any reason the Tribunal has rejected the original application. Hence, the said order may be interfered with.

6. Learned counsel for the respondents supported the impugned order and urged that there is no fault in the order of the Tribunal, which warrants interference by this Court.
7. We have heard the parties at length.
8. For the purpose of clarity, we deem it proper to reproduce the relevant paragraphs where Tribunal has given 'findings'. Paragraphs 13 to 14 reads as thus:-

"13. Heard the learned counsel for the parties and perused the materials placed on record.

14. After giving in-depth consideration to the arguments advanced by parties we find much force in the submission of the learned counsel for the respondents and as the balance of convenience lies with the Respondents, the instant O.A. deserves no merit. In the result, this OA stands dismissed. There shall be no order as to costs."

9. We find substance in the argument of learned counsel for the petitioner that before paragraph 13 of the impugned order, the Tribunal has recorded the facts of the case and rival contentions of the

parties. The so-called findings are only recorded in paragraph 13 and 14, which are reproduced above.

10. We are constrained to hold that the said findings by no stretch of imagination can be said to be a finding based on 'reasons'. The reasons are held to be heartbeat of conclusion. It is expected from administrative, quasi-judicial and judicial authorities to assign reasons for the conclusions reached by it. The Hon'ble Supreme Court emphasized this in the case of *M/s. Kranti Associates Pvt. Ltd. & Anr. vs. Sh. Masood Ahmed Khan & Ors.* reported in (2010) 9 SCC 496. The relevant paragraphs reads as thus:-

"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.

(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 "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 731-37] .)

(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 Ruiz Torija v. Spain [(1994) 19 EHRR 553] EHRR, at 562 para 29 and Anya v. University of Oxford [2001 EWCA Civ 405 (CA)], wherein the Court referred to Article 6 of the European Convention of Human Rights which requires,

"adequate and intelligent reasons must be given for judicial decisions".

(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".

(Emphasis supplied.)

11. If paragraphs 13 and 14 mentioned above are examined on the anvil of principles laid down in *M/s. Kranti Associates Pvt. Ltd. (supra)*, it will be clear like noonday that Tribunal has not assigned

any reason as to why it did not find force in the argument of applicant and found substance in the argument of the respondent. In absence of any reason, the conclusion arrived at by Tribunal cannot sustain judicial scrutiny. The impugned order suffers from serious procedural impropriety and accordingly, set aside. The O.A. 350/482/2023 is restored to its original number and file before the Tribunal. Since, the matter pertains to promotion/induction, learned Tribunal is requested to expedite the matter, hear and decide the matter within 60 days from the date of production of copy of this order.

12. Accordingly, petition is disposed of without expressing any opinion on the merits of the case.

13. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(SUJOY PAUL, CJ.)

(PARTHA SARATHI SEN, J.)