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CWP-763-2025

... Petitioners

... Respondents

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Mr. Jagdeep Jaswal, Advocate, for the respondents.

1. By this order, we propose to dispose of five writ petitions as the issue involved therein is common. With the consent of learned counsel for

the parties, the facts are being taken from CWP-763-2025.

2. In the present petition, the challenge is to the order dated 29.02.2024 (Annexure P-1) passed by the Central Administrative Tribunal, Chandigarh Bench, Chandigarh (hereinafter referred to as 'the Tribunal'), whereby respondent Nos.1 to 12 are held to be eligible for grant of Assured Career Progression (ACP) w.e.f. 12.02.2022 in the pay-scale of Rs.8000-13500.

3. Learned Senior Counsel appearing for the petitioners-UIO argues that though the relief has been granted by the Tribunal, of a higher pay-scale on account ACP w.e.f. 12.02.2002 in the pay-scale of Rs.8000-13500 but not even a single reason has been assigned for accepting the said claim except for reproducing the Annexure A-6. Learned Senior Counsel for the petitioners submits that unless and until, the entitlement of the respondents is adjudicated upon keeping in view the fact that the financial upgradation has already been granted to the respondents, the impugned order passed by the Tribunal is cryptic and non-speaking.

4. Learned counsel appearing for the respondents was asked to point out the reasons assigned by the Tribunal for granting the said relief, even the learned counsel for the respondents has not been able to indicate any reasoning in support of the grant of the relief the respondents.

5. As per the settled principle of law settled by the Hon'ble Supreme Court of India in ***Kranti Associates Private Limited and another vs. Masood Ahmed Khan and others***, (2010) 9 SCC 496, the adjudicative authority has to not only record the facts but based upon the said facts,

reasons have to be given to support the conclusion reached. The relevant para No.47 of the judgment in *Kranti Associates*' case (supra) is as under:-

“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 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 life blood 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 Harward 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 EHRR 553, at 562 para 29 and *Anya vs. 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".

(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. Faced with this factual aspect, learned counsel for the respondents submits that let the impugned order be set aside and the case be remanded back to the Tribunal for fresh adjudication so as to decide the same by giving due reasons for the conclusion reached based upon the facts and settled principle of law.
7. Keeping in view the above, the impugned orders passed by the Tribunal are set aside and the case is remanded back to the Tribunal for fresh adjudication.
8. The parties are directed to appear before the Tribunal on 19.03.2026.
9. Photocopy of this order be placed on the files of connected cases.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

February 18, 2026
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Whether speaking/reasoned	Yes
Whether reportable	No