

(2004) 09 AHC CK 0158

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 13970 of 2000

Deen Dayal

APPELLANT

Vs

Commissioner, Chitrakoot Dham Division, Banda & Ors.

RESPONDENT

Date of Decision : 15-09-2004

Acts Referred:

Citation : (2004) 09 AHC CK 0158

Hon'ble Judges : Arun Tandon, J

Final Decision : Allowed

Judgement

Arun Tandon, J.—Heard Sri Pradeep Khare, learned Counsel for the petitioner and learned Standing Counsel for the State respondents.

2. Petitioner, Sri Deen Dayal who was employed as Revenue Inspector in the Revenue Department in the State of Uttar Pradesh is aggrieved by the order dated 2nd August, 1999 passed by the District Magistrate, Mahoba, respondent No. 2 as also against the order passed by the Commissioner, Chitrakoot Dham Division dated 28th January, 2000 whereby appeal filed by the petitioner against the aforesaid order dated 2nd August, 1999 has been dismissed.

3. It is contended on behalf of the petitioner that the order passed by the Commissioner, respondent No. 1 dated 28th January, 2000 is non speaking order, it contains absolutely no reason for disagreeing with the contentions raised on behalf of the petitioner in the memo of appeal. It is further submitted that an order which is not supported by reasons, cannot be sustained in view of the law laid down by the Hon'ble Supreme Court of India. The Hon'ble Supreme Court has repeatedly held that reasons are necessary links between the facts and the findings recorded by the authority. Reference in that regard may be had to the judgment of the Hon'ble Supreme Court reported in AIR 1976 SC 1785, The Siemens Engineering and Manufacturing Co. of India Ltd. v. The Union of India and another, AIR 1976 SC 437 and 1971 SC 862. The Hon'ble Supreme Court has further specifically held in the judgments reported in AIR 1975 SC 2226, M/s. Hochtief Gammon v. State of Orissa) and AIR 1990 SC 1984, S.N. Mukharjee v.

Union of India, that the judicial orders affecting the rights of the parties must contain reason.

4. It is further contended on behalf of the petitioner that the Commissioner has passed the said order without recording independent reason for disagreeing with the ground mentioned in the appeal. Reliance has been placed upon the judgment of Hon"ble Supreme Court of India in the case of Ram Chandra v. Union of India and others, reported in 1986 UPLBEC 594. In the said judgment, the Hon"ble Supreme Court has held as follows:

?The Duty to give reasons is an incident of the judicial process.?

5. The contention of the respondents that the Commissioner while deciding the appeal filed by the petitioner is not obliged to record any reasons, is unsustainable.

6. In view of the aforesaid since the order passed Commissioner dated 28th January, 2000 contains absolutely no reasons, the same cannot be sustained and is hereby quashed. Since the appeal filed by the petitioner against the order of punishment dated 2nd August, 1999 passed by the District Magistrate, Mahoba is pending for considerations before the Commissioner, Chitrakoot Division, Banda since 1999, it is provided that the Commissioner shall decide the appeal afresh after affording opportunity of hearing to the petitioner by means of a reasoned speaking order within one month from the date a certified copy of this order is produced before him.

7. Writ Petition is, accordingly, allowed. No order as to cost.