
(2010) 12 SHI CK 0335
In the High Court Of Himachal Pradesh
Case No : CWP (T) No. 8392 of 2008

Harbhajan Singh

APPELLANT

Vs

State of H.P. and Others

RESPONDENT

Date of Decision : 06-12-2010

Acts Referred:

Citation : (2010) 12 SHI CK 0335

Hon'ble Judges : Rajiv Sharma, J

Bench : Single Bench

Judgement

Rajiv Sharma, J.—Petitioner has made a representation for the redressal of his grievance. The same has been rejected by the Registrar, Himachal Pradesh, PWD on 19th April, 2002 (Annexure P-4) without a speaking order. Once the representation has been made by the Petitioner, the same ought to have been decided by the competent authority by a speaking order, after taking into consideration the issues/pleas raised in the representation. It is settled law by now that the orders/decision by the administrative/executive authority/quasi judicial authority must be speaking/reasoned.

2. Their lordships of the Hon'ble Supreme Court in Assistant Commissioner, Commercial Tax Department, Works Contract and Leasing, Kota Vs. Shukla and Brothers, have held as under:

13. At the cost of repetition, we may notice, that this Court has consistently taken the view that recording of reasons is an essential feature of dispensation of justice. A litigant who approaches the Court with any grievance in accordance with law is entitled to know the reasons for grant or rejection of his prayer. Reasons are the soul of orders. Non-recording of reasons could lead to dual infirmities; firstly, it may cause prejudice to the affected party and secondly, more particularly, hamper the proper administration of justice. These principles are not only applicable to administrative or executive actions, but they apply with equal force and, in fact, with a greater degree of precision to judicial pronouncements. A judgment without reasons causes prejudice to the person

against whom it is pronounced, as that litigant is unable to know the ground which weighed with the Court in rejecting his claim and also causes impediments in his taking adequate and appropriate grounds before the higher Court in the event of challenge to that judgment. Now, we may refer to certain judgments of this Court as well as of the High Courts which have taken this view.

19. In the cases where the Courts have not recorded reasons in the judgment, legality, propriety and correctness of the orders by the Court of competent jurisdiction are challenged in absence of proper discussion. The requirement of recording reasons is applicable with greater rigor to the judicial proceedings. The orders of the Court must reflect what weighed with the Court in granting or declining the relief claimed by the applicant. In this regard we may refer to certain judgments of this Court.

3. Accordingly, the petition is partly allowed. Annexure P-4, dated 19.04.2002 is quashed and set aside. The competent authority is directed to decide the representation made by the Petitioner by passing a speaking order, within a period of eight weeks from the date of production of a certified copy of this judgment by the Petitioner. Petitioner shall be heard in person and for that purpose, he shall be issued separate notice. No costs.