

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.762 OF 2009
(Arising out of SLP(C) NO. 16258 of 2004)

Ram Phal Appellant

Versus

The State of Haryana & Ors. Respondents

ORDER

Leave granted in the special leave petition.

1) The facts in nutshell are as follows; the appellant who was working as a constable, was before the Writ Court, inter alia requesting the court, to direct the respondents to grant salary for the periods 18.9.2001 to 31.09.2001, 01.02.2002 to 28.02.2002 and 01.07.2002 to upto the date of filing of the petition with interest at the rate of 18 per cent per annum and

further to direct the respondents to revise the pay of appellant after granting the increments with effect from 18.09.2001 and for making the payment of arrears after re-fixation with 18% interest per annum.

2) The Writ Court after entertaining the petition had issued the notices to the respondents.

3) After service of notice, the respondents had filed the statement of objections resisting the reliefs sought for by the appellant in the writ petition.

4) The Writ Court by its impugned order dated 27.2.2004 has rejected the petition. The order passed by the Court reads as under :

“In view of the preliminary submissions made by the respondents in the written statement, we find absolutely no merit in this writ petition”.

5) Questioning the correctness or otherwise of the aforesaid order passed by the High Court, the appellant is before us in this appeal.

6) We have heard learned counsels for the parties.

7) Having gone through the impugned order, in our considered view, we cannot sustain the same for the reasons, that, in the writ petition filed, the appellant had raised several issues in support of the relief sought in the writ petition. The High Court without examining any one of the issues raised

and canvassed, by cryptic and non-reasoned order, has dismissed the writ petition. In our view, this is not the way a petition filed under Article 226 or 227 of the Constitution of India is to be disposed of. The duty to give reasons for coming to a decision is of decisive importance which cannot be lawfully disregarded. The giving of the satisfactory reasons is required by the ordinary man's sense of justice and also a healthy discipline for all those who exercise power over others. This Court in the case of Raj Kishore Jha vs. State of Bihar and Ors. (2003) 11 SCC 519 has stated:

“Reason is the heartbeat of every conclusion. Without the same, it becomes lifeless”.

8) In view of above discussion, we have no other alternative but to set aside the impugned order and remit the matter to the High Court for a fresh consideration of the writ petition. In the present facts and circumstances of the case, the parties shall bear their own costs. The appeal is disposed of.

.....J.
[TARUN CHATTERJEE]

.....J.
[H.L. DATTU]

New Delhi,
February 6, 2009.

