APHC010095702025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3506]**
(Special Original Jurisdiction)

MONDAY, THE SEVENTEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE CHALLA GUNARANJAN

WRIT PETITION NO: 5668/2025

Between:

A Satyavathi **...PETITIONER**

AND

The State of AP and Others **...RESPONDENT(S)**

Counsel for the Petitioner:

1. G V SHIVAJI

Counsel for the Respondent(S):

1. GP FOR SERVICES I

The Court made the following ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India seeking the following relief:

> "to issue a writ order or direction more particularly one in the nature of Writ of Mandamus declaring the Impugned action of 1st respondent in issuing the impugned G.O. Rt.No.755, dated 29.09.2022, imposing major penalty of

10% cut in pension permanently against the petitioner as highly illegal, arbitrary and violative of Article 14 of the Constitution of India, apart from disproportionate and violative of Principles of Natural Justice, further without proper reasons, consequently set aside the same with all consequential benefits, in the interest of justice and pass such other orders."

2. Petitioner while working as District Public Health Nursing Officer at East Godavari District was subjected to disciplinary action in terms of Rule 40 of A.P. Civil Services (CC&A) Rules, 1991. Articles of charges in connection with certain irregularities were issued. Enquiry officer conducted enquiry and submitted report concluding that charges framed against the petitioner were proved and thereafter, the 2nd respondent forwarded the enquiry report to the Government for taking necessary action. By then, the petitioner attained superannuation. The 1st respondent considering the charges framed and the findings of enquiry officer, provisionally decided to impose penalty of 10% cut in pension permanently in terms of Rule 9(1) of A.P. Revised Pension Rules, 1980, thereby issued show-cause notice by memo dated 24.11.2020 calling upon the petitioner to submit explanation. Petitioner has submitted explanation on 03.03.2024.

The 1st respondent vide G.O.Rt.No.755, Health, Medical and Family Welfare (VC.1) Department, dated 29.09.2022, passed the order imposing penalty of 10% cut in pension permanently. Assailing the same, the present writ petition is filed.

3. Heard Sri G.Shivaji, learned counsel for petitioner and learned Assistant Government Pleader for Services – I for the respondents.

4. Learned counsel for petitioner mainly contends that the impugned order imposing punishment of petitioner is not speaking and without any reasons, therefore, the same is liable to be set aside.

5. It is trite law that recording or providing reasons by quasi-judicial authority is basic requirement as the aggrieved party is required to know the reasons on which the decision has been made for the purpose of assailing it before higher forums. In **Kranti Associate (P) Limited v. Masood Ahmed Khan**[1], the Hon'ble Apex Court at Paragraphs 12 and 47 held as follows:

> "12. The necessity of giving reason by a body or authority in support of its decision came up for consideration before

[1] (2010) 9 SCC 496

this Court in several cases. Initially this Court recognised a sort of demarcation between administrative orders and quasi-judicial orders but with the passage of time the distinction between the two got blurred and thinned out and virtually reached a vanishing point in the judgment of this Court in **A.K. Kraipak v. Union of India** [(1969) 2 SCC 262: AIR 1970 SC 150]

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 "rubberstamp 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 decisionmaking 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 73137].)

(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.

(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. A perusal of the impugned order goes to show that Government except narrating the sequence of events, has not indicated any reasons as to why the proposed penalty came to be confirmed and there is completely non-application of mind and consideration to explanation offered by the petitioner. Since the order lacks any reasons in coming to conclusion that petitioner be imposed penalty as stated therein, on this ground alone, the writ petition has to be allowed.

7. In this view of the matter, G.O.Rt.No.755, dated 29.09.2022, issued by the 1st respondent is set aside and the matter is remanded back to the 1st respondent to consider the explanation offered by the petitioner and after affording an opportunity of hearing to the petitioner, pass a speaking order with reasons in accordance with law. This exercise shall be completed within a period of six weeks from the date of receipt of copy of this order.

8. With the above direction, this writ petition is disposed of accordingly. No costs.

As a sequel, miscellaneous petitions pending consideration, if any, in this case shall stand closed.

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CHALLA GUNARANJAN, J

17.03.2025
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