REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL No.10690 OF 2017

State of Orissa & Ors. ....Appellant(s)

VERSUS

Chandra Nandi ...Respondent(s)

J U D G M E N T

Abhay Manohar Sapre, J.

1. This appeal is directed against the final judgment and order dated 24.01.2014 passed by the High Court of Orissa at Cuttack in Writ Petition (Civil) No.19550 of 2011 whereby the High Court allowed the writ petition in part and directed the State to treat the respondent(employee) as a regular employee and grant him pensionary benefits which he had claimed in his OA.

2. A few facts need mention hereinbelow for the disposal of this appeal, which involves a short point.

3. By impugned order, the High Court while partly allowing the writ petition filed by the respondent(employee) herein modified the order dated 11.06.2009 passed by Orissa State Administrative Tribunal (for short "the Tribunal") in OA No.1513(C) of 2004 and directed the State to grant the respondent(employee) all pensionary benefits which he had claimed in his OA. The State of Orissa has felt aggrieved and filed the present appeal by way of special leave in this Court.

4. So, the short question, which arises for consideration in this appeal, is whether the High Court was justified in allowing the respondent's writ petition in part and was, therefore, justified in issuing the direction now impugned in this appeal by the State.

5. The respondent (a retired employee) filed OA No.1513 (C) 2004 in the Tribunal against the appellant

(State) and sought certain reliefs in relation to his post-retiral benefits, such as gratuity, pension etc.

6. By order dated 11.06.2009, the Tribunal granted some benefits to the respondent but declined the remaining benefits which gave rise to filing of the writ petition by the respondent (employee) against that part of the order of the Tribunal which declined to grant him the remaining benefits which he had claimed in his OA.

7. By impugned order, the High Court allowed the respondent's writ petition in part and also granted those benefits, which were declined by the Tribunal giving rise to filing of this appeal by the State by way of special leave in this Court.

8. Having heard the learned counsel for the parties and on perusal of the record of the case, we are constrained to allow this appeal, set aside the impugned order and remand the case to the High

Court for deciding the respondent's writ petition afresh on merits in accordance with law.

9. The need to remand the case to the High Court has occasioned because from the perusal of the impugned order, we find that it is an unreasoned order. In other words, the High Court neither discussed the issues arising in the case, nor dealt with any of the submissions urged by the parties and nor assigned any reason as to why it has allowed the writ petition and granted the reliefs to the writ petitioner which were declined by the Tribunal.

10. This Court has consistently laid down that every judicial or/and quasi-judicial order passed by the Court/Tribunal/Authority concerned, which decides the *lis* between the parties, must be supported with the reasons in support of its conclusion. The parties to the *lis* and so also the appellate/revisionary Court while examining the correctness of the order are entitled to know as to on which basis, a particular

conclusion is arrived at in the order. In the absence of any discussion, the reasons and the findings on the submissions urged, it is not possible to know as to what led the Court/Tribunal/Authority for reaching to such conclusion. (See - **State of Maharashtra** vs. **Vithal Rao Pritirao Chawan,** (1981) 4 SCC 129, **Jawahar Lal Singh** vs. **Naresh Singh & Ors.,** (1987) 2 SCC 222, **State of U.P.** vs. **Battan & Ors.**, (2001) 10 SCC 607, **Raj Kishore Jha** vs. **State of Bihar & Ors.,** (2003) 11 SCC 519 and **State of Orissa** vs. **Dhaniram Luhar,** (2004) 5 SCC 568).

11. The order impugned in this appeal suffers from aforesaid error, because the High Court while passing the impugned order had only issued the writ of mandamus by giving direction to the State to give some reliefs to the writ petitioner (respondent) without recording any reason.

12. We are, therefore, of the view that such order is not legally sustainable and hence deserves to be set aside.

13. In view of the foregoing discussion, the appeal succeeds and is accordingly allowed. The impugned order is set aside. The case is remanded to the High Court for deciding the writ petition afresh, out of which this appeal arises, for its disposal in accordance with law keeping in view the observations made above.

14. Since we have formed an opinion to remand the case to the High Court for its fresh disposal on merits, we have not expressed any opinion on the merits of the case while deciding this appeal. The High Court will, therefore, decide the appeal uninfluenced by any observations made by this Court in this order.

15. Since the matter is old, we request the High Court to decide the writ petition expeditiously preferably within six months.

.....J.
[ABHAY MANOHAR SAPRE]

.....J.
[DINESH MAHESHWARI]

New Delhi;
April 01, 2019