

No. 3128-IGSI-72/18132

From

To

The Chief Secretary to Government, Haryana

1. All Heads of Departments ; the Commissioner Ambala Division ; all Deputy Commissioners ; and all Sub Divisional Officer (Civil) in Haryana.
2. The Registrar, Punjab and Haryana High Court and all District and Session Judges, Haryana.

Dated Chandigarh, the 16th June, 1972,

Subject

Passing of orders of a quasi judicial nature in speaking orders

Sir,

I am directed to refer to the Haryana Government Circular letter No. 1362-SGS-71/18190, dated the 19th April, 1971. Copy enclosed for ready reference) on the subject noted above, vide which your attention was invited to an extract from the Judgement dated 17-9-1970 in Civil Writ No. 2790 of 1969 "K. K. Jagia v/s Haryana State, In view of the position indicated in the said judgement, you were requested that whatever orders of a quasi-judicial nature were passed under the Punjab Services (Punishment and Appeal) Rules, 1952 or any other Rules or Acts they should invariably be sufficiently detailed orders and could indicate, inter-alia, the pleas taken by the employee concerned and the reasons on account of which they were considered unsatisfactory and were rejected.

2. The Government of India had set up a Committee to go into the problem of arrears in the High Courts and to suggest remedial measures. The Committee, while submitting its report, has expressed its "strong" view that Tribunals and Heads of Departments exercising quasi judicial functions should make "speaking orders" i. e, they should indicate in their orders the grounds on which the orders are made. It has been considered that if speaking orders are passed, it might facilitate quicker disposal of cases, and the need for making speaking orders in matters affecting rights of the parties has been repeatedly pointed out by the Supreme Court and the High Courts in a number of cases. In fact, it is now being regarded as a principle of natural justice that such orders should contain reasons. Keeping in view the above suggestions of the 'High Courts Arrears Committee' the State Government once again reiterate the instructions contained in their letter No. 1362-SGS-71/18190, dated the 19th April, 1971 and strongly emphasise that various authorities exercising quasi-judicial functions under any Rules or Acts should make speaking orders in all matters affecting rights of the parties.

3. It should be appreciated that this matter is of great importance and any failure in this regard an authority exercising quasi judicial functions may result in reversal of the decisions in the courts of law resulting in financial liability and also administrative difficulty for the State Government. It is therefore requested that these instructions and the instructions.

Issued vide Haryana Government letter No. dated 19-4-71 referred to above should be complied with strictly and should be brought specifically to the notice of all concerned for similar compliance by them. It may be added that in the event of failure to follow the instructions, a very serious view of the matter will be taken by the Government.

4. It is requested that the receipt of this communication may please be acknowledged.

Yours faithfully,

Deputy Secretary Political  
for Chief Secretary to Government, Haryana.