

No. PER (AP.B) B (15)-26/2020
Government of Himachal Pradesh
Department of Personnel

From

The Chief Secretary to the
Government of Himachal Pradesh

To

1. All the Administrative Secretaries to the Government of Himachal Pradesh
2. All Heads of Departments in Himachal Pradesh
3. All Divisional Commissioners in Himachal Pradesh
4. All Deputy Commissioners in Himachal Pradesh
5. All Sub Divisional Magistrates in Himachal Pradesh

Dated Shimla-171002, the 16th Dec, 2020.

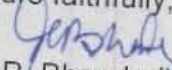
Subject **Instructions regarding passing of speaking orders while dealing with the matters in quasi-judicial capacity.**

Madam/Sir,

I am directed to say that as per settled law, the Authorities while exercising Quasi-judicial powers, have to pass speaking and reasoned orders. The Hon'ble Courts have time and again emphasized that the Quasi-judicial Authorities are bound to give reasons and pass speaking orders. In a case CMPMO No. 403 of 2020 titled Sheela Devi Versus Sarmina Devi and others decided on 05.11.2020, the Hon'ble High Court of H.P. has held that the reasoning is the essence and soul of any order. In the absence of there being any reasoning in the order as to why the conclusion, as has been arrived at by the Authority, stands arrived at, the same is not sustainable in law. The Authority is expected to adhere to the basic principles and ensure that the order should reflect the respective contentions of the parties and reasons for agreement/concurrence with the submissions of either party be elaborated.

You are, therefore, requested to ensure compliance of the Hon'ble High Court orders by all Quasi-judicial Authorities in letter and spirit.

Yours faithfully,


(O.P. Bhandari)

Joint Secretary (Personnel) to the
Government of Himachal Pradesh
Email Persbr2-hp@nic.in
Phone No. 0177-2626097

Endst No. As above.

Dated 16th Dec, 2020.

Copy to:-

1. The Secretary, H.P. Public Service Commission, Shimla-171002.
2. The Secretary, H.P. Staff Selection Commission, Hamirpur, District Hamirpur.
3. Section Officer (Judicial), High Court of H.P. Shimla-171002 with reference to his letter No. CMPMO No. 403/2020, dated 12.11.2020 for information.

(O.P. Bhandari)

Joint Secretary (Personnel) to the
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