

Applicability of Principles of Natural Justice in Enquiries and Adjudication

**By Justice U.C. Dhyani,
Chairman,
Public Services Tribunal Dehradun**

AT NJA, Bhopal

Date:

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PRINCIPLES OF NATURAL JUSTICE

What are those Principles?

Why these Principles are
necessary?

COURTS

TRIBUNALS

AUTHORITIES

JUDICIAL

QUASI- JUDICIAL

ADMINISTRATIVE

Procedural Fairness in Holding inquiry

And

Service of Notice

Inquisitorial vs. Adversarial

Administrative Law and Procedure

SPEAKING ORDERS

**Art and Science of writing such
orders**

ESSENTIAL OF LEGAL DRAFTING

in

Show Cause notices

Orders etc.

Indian Commodity Exchange Ltd. v. Neptune Overseas Ltd., (2020) 20 SCC 106

- Show-cause notice should be comprehensive with full supporting documents - The documents asked by the Respondents should be supplied .
- If not Done— Failure of Natural Justice.

State Bank of India and Another v. Ajay Kumar Sood, 2022 SCC OnLine SC 1067

The reasoning in the judgment should be intelligible and logical. Clarity and precision should be the goal. All conclusions should be supported by reasons duly recorded - The findings and directions should be precise and specific. Writing judgments is an art, though it involves skillful application of law and logic.

P.D. Agrawal v. State Bank of India, (2006) 8 SCC
776

What will be the fate of the order if it suffers
from technical/other minor violations?

- *The order will not be a nullity unless real prejudice is caused to the complainant.*
- *The Court should apply the principles of natural justice regarding the situation obtained in each case. It is not applied in a vacuum without reference to the relevant facts and circumstances of the case. It is no unruly horse. It cannot be put in a straitjacket formula.*

- Ashok Kumar Kalra v. Surendra Agnihotri,
(2020) 2 SCC 394
- What should be the stage of entertaining the
counter claim Petition?

Allowing counterclaims after the framing of issues would prolong the trial and will also prejudice the rights that may get vested with the plaintiff over the course of time - In exceptional circumstance the court may entertain a counterclaim even after the framing of issues so long as the court has not started recording the evidence...

Procedural rules should not be interpreted so as to defeat justice, rather than furthering it.

- I am aware of the Chains that bind me as a Judge.
- I view my office as a mission.
- Judging is not a job. It is a way of life.
- Whenever I enter the court room, I do so with the deep sense that, as I sit at trial, I stand on trial.

THANK YOU

Q & A