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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 122 of 2019

Rajesh Kumar Gupta, S/o Shri Shauki Lal Gupta, Aged 42 years,
Working as Sub Engineer, At Janpad Panchayat, Mahasamund,
District Mahasamund, Chhattisgarh.

... Petitioner

versus

1. State of Chhattisgarh, Through its Secretary, Department of Panchayat & Rural Development, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur.
2. The Development Commissioner, Chhattisgarh, Raipur.
3. The Collector, District Mahasamund, Chhattisgarh.
4. The Chief Executive Officer, Zila Panchayat, Mahasamund, District Mahasamund, Chhattisgarh.

... Respondents

For Petitioner	: Mr. Rajesh Kumar Kesharwani, Advocate.
For Respondents No.1 to 3	: Mr. Ajay Kumrani, Panel Lawyer.
For Respondent No.4	: Mr. Harsh Verma, Advocate on behalf of Mrs. Hamida Siddiqui, Advocate.

Single Bench:-
Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

23/01/2026

1. The petitioner seeks to challenge legality, validity and correctness of the charge-sheet dated 13-12-2018 issued by the Chief Executive Officer (CEO), Zila Panchayat, Mahasamund on the ground that the

CEO, Zila Panchayat is neither disciplinary authority nor appointing authority, therefore, he was not empowered to issue charge-sheet to the petitioner.

2. The State has filed reply stating that looking to the alleged misconduct, charge-sheet has rightly been issued to the petitioner.
3. Mr. Rajesh Kumar Kesharwani, learned counsel appearing on behalf of the petitioner, would submit that the petitioner has been appointed by the order of the appointing authority i.e. the Development Commissioner as per Annexure P-2 and he was appointed on officiating basis and posted as Sub-Engineer, Janpad Panchayat, Mahasamund, therefore, the CEO, Zila Panchayat is not empowered to issue charge-sheet against him and as such, it be quashed.
4. Mr. Ajay Kumrani, learned State counsel and Mr. Harsh Verma, learned counsel appearing on behalf of respondent No.4 – CEO, Zila Panchayat, Mahasamund, would support the impugned charge-sheet and oppose the writ petition and submit that the case of the petitioner was sent to the CEO, Zila Panchayat for approval and for instituting departmental enquiry.
5. I have heard learned counsel for the parties and considered their rival submissions made herein-above and also gone through the material available on record.
6. Admittedly, the petitioner was appointed by the Development Commissioner by order Annexure P-2 and he was posted as Sub-

Engineer, Janpad Panchayat, Mahasamund. As per Rule 7 of the Chhattisgarh Panchayat and Rural Development Department Class III (Ministerial and Non-Ministerial) Service Recruitment Rules, 1992, all appointment to the service after the commencement of these rules shall be made by the Development Commissioner and no such appointment shall be made except after selection by one of the methods of recruitment specified in rule 6. As such, the appointing authority of the petitioner was the Development Commissioner and he was also the disciplinary authority, therefore, the CEO, Zila Panchayat, Mahasamund was not empowered to either issue charge-sheet or initiate departmental enquiry against the petitioner and as such, the charge-sheet dated 13-12-2018 as also the show-cause notice Annexure P-4 issued to the petitioner for institution of departmental enquiry against him by the CEO being incompetent, are hereby quashed, as the appointing authority and the disciplinary authority of the petitioner is the Development Commissioner.

7. The writ petition is allowed to the extent indicated herein-above. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
JUDGE