



2026:CGHC:9793-DB

**NAFR**

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**WA No. 185 of 2026**

Ashish Kumar Yadav S/o Mr. Shiv Prasad Yadav Aged About 42 Years Presently Posted As Inspector At Devendra Nagar Police Station, Raipur, Resident Of Near Sando Ice Factory, Dayalband, Distt - Bilaspur, Chhattisgarh.

**... Appellant****versus**

- 1** - State Of Chhattisgarh Through Secretary Of Home Affairs Department, Mahanadi Bhavan, Capitol Complex, Naya Raipur, Chhattisgarh.
- 2** - Director Genaral Of Police Of Chhattisgarh Police Head Quarters, Naya Raipur, Dist - Raipur, Chhattisgarh.
- 3** - Inspector General Of Police Range Durg Durg, Chhattisgarh.
- 4** - Inspector General Of Police Range Raipur Raipur, Chhattisgarh.
- 5** - Superintendent Of Police Distt - Raipur, Raipur, Chhattisgarh.
- 6** - Superintendent Of Police Distt - Durg, Durg, Chhattisgarh
- 7** - Inquiry Officer Additional Superintendent Of Police (Rural) Dist - Durg, Chhattisgarh.
- 8** - Presenting Officer Deputy Superintendent Of Police (Head Quarter) Dist. Durg, Durg, Chhattisgarh.

**... Respondent(s)**


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| For Appellant     | : | Mr.Raza Ali, Advocate                   |
| For Respondent(s) | : | Mr.Shashank Thakur, Additional Advocate |
|                   |   | General                                 |

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**Hon'ble Shri Ramesh Sinha, Chief Justice**  
**Hon'ble Shri Ravindra Kumar Agrawal, Judge**

**Judgment on Board**

**Per Ramesh Sinha, Chief Justice**

**25.02.2026**

1. Heard Mr.Raza Ali, learned counsel for the appellant as well as Mr.Shashank Thakur, learned Additional Advocate General appearing for the respondents/State.
2. The appellant has filed this writ appeal against the order dated 31.10.2025 passed by learned Single Judge in WPS No. 8196 of 2025 by which the learned Single Judge has disposed of the writ petition filed by the writ petitioner / appellant herein.
3. Brief facts necessary for disposal of the case are that a complaint was made by the complainant namely Piyush Tiwari before the IG regarding certain alleged illegalities committed by the appellant and the same was also forwarded to the Superintendent of Police, District Durg and on the basis of said complaint, enquiry was conducted and thereafter a preliminary report dated 17.05.2025 was prepared in which statements of some witnesses were also recorded and on the basis of preliminary enquiry a regular departmental enquiry was initiated against the writ petitioner. Accordingly, the writ petitioner was served with the charge sheet on 10.2.2025 in which following charges were framed.

“1. थाना कुम्हारी के अपराध क्रमांक—192/19 धारा 420, 34



भादवि, के प्रकरण की विवेचना के दौरान विधिक प्रावधानों के अनुरूप कार्यवाही न कर कर्तव्य के प्रति संदिग्ध आचरण प्रदर्शित कर म.प्र./छ.ग. सिविल सेवा आचरण नियम-1965 के नियम 3 (एक) का उल्लंघन करना।

2. थाना पुरानी भिलाई के अपराध क्रमांक-412/2020 धारा 354 (क), 384, 34 भादवि, 67 आई.टी.एक्ट के प्रकरण में घटना स्थल थाना कुम्हारी का न होने एवं अपराध घटित होने संबंधी कोई साक्ष्य नहीं होने के उपरांत भी अपराध पंजीबद्ध कर कर्तव्य के प्रति संदिग्ध आचरण प्रदर्शित कर पुलिस रेगुलेशन के पैरा-64 उप पैरा (02) एवं म.प्र./छ.ग. सिविल सेवा आचरण नियम-1965 के नियम-3 के उप नियम (क) का उल्लंघन करना।”

4. Thereafter, the writ petitioner vide his application dated 11.07.2025 has demanded supply of documents in which he prayed for providing documents pertaining to preliminary enquiry and the statements recorded in the preliminary enquiry. The said application was rejected by the impugned order dated 23.5.2025 vide Annexure P/1. Thereafter, the Enquiry Officer has been appointed. These orders are being assailed by the writ petitioner before this Court by filing writ petition, which was disposed of by learned Single Judge by the impugned order. Hence, this writ appeal.

5. Learned counsel for the appellant submits that the order passed by the learned Single Judge is arbitrary, perverse to the record, and not sustainable in law. The findings recorded are contrary to the material available on record and have resulted in grave miscarriage of justice. It is submitted that the learned Single Judge



has erred in holding that the appellant failed to demonstrate prejudice caused due to non-supply of documents. The Hon'ble Supreme Court has consistently held that where a charge memo is founded upon an inquiry report, the inquiry report along with all relied-upon documents must be supplied to the delinquent employee. In the present case, the appellant has specifically explained the prejudice caused to him. Without access to the relevant documents and materials relied upon, the appellant is unable to file an effective reply or take an appropriate defense. Without knowing the exact nature of the allegations and supporting material, the appellant cannot reasonably defend himself. Learned counsel further submits that the order by which the respondent refused to provide the requested documents is a non-speaking order. The rejection of the appellant's request was merely on the ground that a superior authority had directed non-supply, without assigning any independent reasons. This material aspect was not properly considered by the learned Single Judge.

6. It is contended that the learned Single Judge has wrongly applied the law laid down by the Hon'ble Apex Court by observing that supply of documents in departmental proceedings is not necessary unless prejudice is shown. The said principle applies in cases where no prior demand for documents was made and the issue is raised only after the final order is passed. However, in the present case, the proceedings are at an initial stage and the appellant has specifically demanded the documents



before filing his reply. The appellant has clearly stated that without the documents, he is unable to prepare his defense. Therefore, the legal principle has been misapplied. He further submits that the appellant has categorically pleaded and demonstrated the prejudice caused to him. Without the documents, he cannot submit a comprehensive reply, conduct effective cross-examination, or participate meaningfully in further proceedings. Denial of such documents directly impairs his right to defend himself. It is further submitted that though the respondents supplied the inquiry report, they failed to provide the statements of witnesses recorded during the inquiry, despite the inquiry report itself referring to and annexing those statements. Additionally, the inquiry report reveals that a closure report was prepared and filed before the JMFC; however, neither the closure report nor the order sheet of the JMFC was supplied to the appellant. Such selective and incomplete supply of documents is arbitrary, illegal, and in clear violation of the principles of natural justice. The learned Single Judge failed to properly appreciate this aspect and dismissed the writ petition without addressing these violations affecting the appellant's fundamental and constitutional rights. It is contended that the non-supply of essential documents and closure of the appellant's right to file an effective reply amount to a clear violation of the principles of natural justice. The learned Single Judge has failed to consider this crucial issue. Learned counsel submits that the appellant has been placed in a position where he



cannot effectively contest the departmental proceedings. Without knowledge of the statements made by witnesses or the materials relied upon, the appellant cannot frame appropriate grounds in his reply. Denial of such opportunity renders the entire proceedings unfair and unjust. In view of the aforesaid submissions, it is prayed that this Court may be pleased to set aside the order passed by the learned Single Judge and grant appropriate relief to the appellant in the interest of justice.

7. On the other hand, learned Additional Advocate General appearing for the respondents/State opposes the submissions made by learned counsel for the appellant and submits that learned Single Judge after considering all the aspects of the matter has rightly disposed of the writ petition filed by the writ petitioner / appellant herein, which warrants no interference by this Court.
8. We have learned counsel for the parties and perused the impugned order and other documents appended with writ appeal.
9. From perusal of the impugned order, it transpires that learned Single Judge while disposing of the writ petition has observed that from bare perusal of the application submitted by the petitioner before the Enquiry Officer, it is not clear that how the right of the petitioner is prejudicedly affected unless he is able to show that these documents are very much required to establish the guilt, no prejudice can be caused and for supply of documents and the parameter consideration is the prejudice caused to the



Government servant whereas no such specific averment with regard to relevancy of the documents or how his right will be adversely prejudiced has been mentioned in the application or before this Court. Therefore, his submission that in absence of statement recorded in the preliminary enquiry or in the report of Enquiry Officer his right will be prejudiced, is misconceived and deserves to be rejected. Further reliance of the petitioner in case of **State of UP vs. Shatrughan Lal and another** in fact goes against the petitioner as in this case also the Hon'ble Supreme Court has held that relevancy of the document which intended to be sought during course of enquiry and non supply of it what prejudice has been caused should be established in clear terms. Learned Single Judge further observed that in the present case, the respondent/State in paragraph 28 of their return has specifically contended that all the relevant documents which are necessary for adjudication of the case have already been placed on record and same have been given to the petitioner, therefore, considering the submission, it is quite vivid that the petitioner intends to stall the proceedings, therefore, the submission that his right will be adversely prejudiced by the act of the respondent for non-supply of document, is misconceived and deserves to be rejected. Further submission of the petitioner is that the petitioner has not been given an opportunity to submit his reply to the charge sheet is also misconceived. Learned Single Judge also observed that from bare perusal of the charge sheet, it is quite vivid that



opportunity was extended to the petitioner to submit his reply which has not been availed by him for the reason best known to him by taking lame excuse of non supply of document. However, the petitioner is at liberty to take all his permissible deference available to him in the enquiry proceeding before the Enquiry Officer.

10. Considering the submissions advanced by the learned counsel for the parties, perusing the documents appended with writ petition as also with writ appeal and also considering the finding recorded by the learned Single Judge while disposing the writ petition filed by the writ petitioner, we are of the considered opinion that the learned Single Judge has not committed any illegality, irregularity or jurisdictional error in the impugned order warranting interference by this Court.

11. Accordingly, the writ appeal deserves to be and is hereby **dismissed**. No cost(s).

Sd/-

**(Ravindra Kumar Agrawal)**  
**Judge**

Sd/-

**(Ramesh Sinha)**  
**Chief Justice**