



2026:CGHC:35583

WPS No. 1855 of 2019



CGHC010067182019



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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 1855 of 2019

- Thakur Jee Pandey S/o Shri Sheonath Panday, Aged About 67 Years, Retired General Manager Chhattisgarh State Cooperative Marketing Federation Limited, R/o Shiwalay 1368, Shanti Vihaar Colony, Rohinipuram, Daganiya, Raipur, Chhattisgarh.

... Petitioner

versus

- 1.The Managing Director, Chhattisgarh State Cooperative Marketing Federation Limited CBD Commercical Complex Tower C, Block 6th Floor, Sector 21, Atal Nagar, Raipur, Chhattisgarh.
- 2.The Secretary, Chhattisgarh State Cooperative Marketing Federation Limited, CBD Commercical Complex Tower C, Block 6th Floor, Sector 21, Atal Nagar, Raipur, Chhattisgarh.

... Respondents

For Petitioner	:- Mr. Ashish Shrivastava, Senior Advocate, with Mr. Rahul Ambast, Mr. Ashutosh Shrivastava and Ms. Ananya Pandey, Advocates.
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For Respondents	:-	Mr. Prafull N. Bharat, Senior Advocate, with Mr. Akash Pandey, Advocate.
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Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

12/08/2026

1. Invoking extraordinary jurisdiction of this Court under Article 226 of the Constitution of India, petitioner herein has called in question, legality, validity and correctness of order dated 17.10.2018 by which the Disciplinary Authority has directed for fresh / second departmental inquiry against the petitioner.

2. The aforesaid challenge has been made on the following factual backdrop:-

2.1. Respondent No.1 herein instituted a departmental inquiry / disciplinary proceedings against the petitioner in which Mr. T.C. Yadu, retired District Judge, was appointed as an Inquiry Officer and Mr. S.U. Khan, General Manager, was appointed as Presenting Officer. After the conclusion of the departmental



inquiry, the inquiry report was submitted against the petitioner.

2.2. The inquiry report was considered by the Disciplinary Authority, respondent No.1 herein. By impugned order dated 17.10.2018, it has been held by the Disciplinary Authority that the inquiry has not been conducted in accordance with law and statements of all the witness have not been taken. It has further been held in the impugned order that inquiry report is incomplete and unclear and, therefore, directed to hold fresh departmental inquiry against the petitioner by appointing Mr. D.S. Sory, formal Additional Collector, as Inquiry Officer and Mr. S.K. Shrivastava, Accounts Officer, as Presenting Office, leading to filing of this writ petition questioning that order.

3. Mr. Ashish Shrivastava, learned Senior Advocate for the petitioner, would submit that Rule 25(b) (1) of the Chhattisgarh State Cooperative Marketing Federation Service Rules, 2007 (for brevity "the Rules, 2007") only empowers the



Appointing Authority to remit the matter to the Inquiry Officer for submission of a further inquiry report, however, it does not authorize the Appointing Authority to make fresh departmental inquiry / de novo proceeding and, as such, impugned order dated 17.10.2018 is in violation of Rule 25(b)(1) of the Rules, 2007 and the same is liable to be set aside. In support of his submission, he would rely upon the decision of the Supreme Court in the matter of **K.R. Deb v. The Collector of Central Excise, Shillong**¹ followed in the matters of **Kanailal Bera v. Union of India and others**² & **Vijay Shankar Pandey v. Union of India and another**³.

4. Mr. Prafull N. Bharat, learned Senior Advocate for the respondents, would vehemently oppose the submission made by learned Senior Advocate for the petitioner and support the impugned order. He would submit that the manner in which the petitioner had acted and committed huge illegality in purchase of organic

1 1971 (2) SCC 102

2 (2011) 11 SCC 517

3 (2014) 10 SCC 589



manures/fertilizers, the Disciplinary Authority has rightly taken a decision to institute a fresh inquiry ignoring the earlier one which is warranted no interference invoking jurisdiction under Article 226 of the Constitution of India and support the impugned order.

5.I have heard learned counsel for the parties, considered their rival submissions made herein above and gone through the records precisely.

6.A short question involved in the writ petition is whether in exercise of power under Rule 25(b) (1) of the Rules, 2007 [which is *pari materia* to Rule 15(1) of the Central Civil Services (Classification, Control and Appeal) Rules, 1965], the Disciplinary Authority is justified in directing for fresh / second *de novo* inquiry against the petitioner instead of further inquiry as contemplated under Rule 25(b)(1) of the Rules, 2007.



7. At this stage, it would be appropriate to notice Rule 25(b)(1) of the Rules, 2007, which states as under:-

"25(b). Action on the Inquiry Report

(1) Where the Appointing Authority is not itself the Inquiry Officer, it may, for reasons to be recorded in writing, remit the matter to the Inquiry Officer for submission of a further inquiry report. The Inquiry Officer shall thereafter, as far as practicable, proceed with the inquiry in accordance with the provisions of Clause 25(a) and submit the report within fifteen (15) days."

8. A careful perusal of the Rule 25(b)(1) of the Rules, 2007 would show that the Appointing Authority is empowered for reasons to be recorded in writing, remit the matter to the Inquiry Officer for submission of a further inquiry report. The Rules does not authorize the Appointing Authority to direct for the second *de novo* inquiry or fresh inquiry upon consideration of the inquiry report submitted by the earlier Inquiry Officer.

9. In this regard, the principle of law is well settled by the judgment delivered by the



Constitution Bench of the Supreme Court in the matter of K.R. Deb (supra) in which while dealing with the Rule 15 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, which is *pari materia* to Rule 25(b) (1) of the Rules, 2007, has held that Rule 15 provides for one inquiry and there is no provision in Rule 15 for completely setting aside previous inquiries on the ground that the report of the Inquiry Officer or Officers does not appeal to the Disciplinary Authority and observed in paras 12 & 13 as under:-

“12. It seems to us that Rule 15, on the face of it, really provides for one inquiry but it may be possible if in a particular case there has been no proper enquiry because some serious defect has crept into the inquiry or some important witnesses were not available at the time of the inquiry or were not examined for some other reason, the Disciplinary Authority may ask the Inquiry Officer to record further evidence. But there is no provision in Rule 15 for completely setting aside previous inquiries on the ground that the report of the Inquiring Officer or Officers does not appeal to the Disciplinary Authority. The Disciplinary Authority has enough powers to reconsider the evidence itself and come to its own conclusion under Rule 9.



13. In our view the rules do not contemplate an action such as was taken by the Collector on February 13, 1962. It seems to us that the Collector, instead of taking responsibility himself, was determined to get some officer to report against the appellant. The procedure adopted was not only not warranted by the rules but was harassing to the appellant."

10. The principle of law laid down in the matter of K.R. Deb (supra) has been followed in the matter of Kanailal Bera (supra) in which their Lordships of the Supreme Court have held that once a disciplinary proceeding has been initiated, the same must be brought to its logical end meaning thereby a finding is required to be arrived at as to whether the delinquent officer is guilty of charges levelled against him or not and further evidence may be directed to be adduced but the same would not mean that despite holding a delinquent officer to be partially guilty of the charges levelled against him another inquiry would directed to be initiated on the selfsame charges which could not be proved in the first inquiry and observed in para 6 as under:-



6. The question as to whether a punishment of confinement to Civil Lines could have been directed or not should not detain us as we agree with the contention raised by learned counsel for the appellant that the purported order dated 5-4-1995 of the disciplinary authority was unsustainable in law. Rule 27 of the Central Reserve Police Force Rules, 1955, inter alia, lays down the procedure for conducting a departmental inquiry. Once a disciplinary proceeding has been initiated, the same must be brought to its logical end meaning thereby a finding is required to be arrived at as to whether the delinquent officer is guilty of charges levelled against him or not. In a given situation further evidences may be directed to be adduced but the same would not mean that despite holding a delinquent officer to be partially guilty of the charges levelled against him another inquiry would be directed to be initiated on the selfsame charges which could not be proved in the first inquiry.

11. Further, in the matter of Vijay Shankar Pandey (supra) the principle of law laid down laid down in the matter of K.R. Deb (supra) has been followed. In Vijay Shankar Pandey (supra), their Lordships have held in para 26 as under:-

26. It can be seen from the above that the normal rule is that there can be only one enquiry. This Court has also recognised the possibility of a *further enquiry* in certain circumstances enumerated therein. The decision however makes it clear that the



fact that the report submitted by the enquiring authority is *not acceptable* to the disciplinary authority, is not a ground for completely setting aside the enquiry report and ordering a second enquiry.

12. Very recently, in the matter of **Chandni Prateek Sharma v. High Court of Gujarat**⁴ while considering Rule 10(1) Gujarat Civil Service (Discipline and Appeal) Rules, 1971 (for short "the Rules, 1971"), which is *pari materia* to Rule 25(b)(1) of the Rules, 2007, their Lordships of the Supreme Court have held in the matter of **Chandni Prateek Sharma** (supra) that where the Disciplinary Authority is not itself the Inquiry Authority, it may, for reasons to be recorded in writing, remit the case to the Inquiry Authority for further inquiry. Their Lordships have further held that the expression "further inquiry" as mentioned in Rule 10(1) does not mean a fresh or a *de novo* inquiry but only a further inquiry.

13. Coming to the facts of the instant case in light of principles of law laid down in the

4 2026 SCC OnLine SC 748



matter of K.R. Deb (supra) followed in the matters of Kanailal Bera (supra), Vijay Shankar Pandey (supra) and Vijay Shankar Pandey (supra), it is quite vivid that the departmental inquiry has been conducted against the petitioner which has been found to be incomplete and unclear, therefore, it was open to the Disciplinary Authority to direct for the further inquiry, but it could not have been directed for fresh or a *de novo* inquiry which is clearly barred by Rule 25(b)(1) of the Rules, 2007. In that view of the matter, order dated 17.10.2018 is hereby set aside.

14. Consequently, the instant writ petition is **allowed** to the extent indicated herein above.

Sd/-
(Sanjay K. Agrawal)
Judge

Ankit