



2026:CGHC:9891



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**NAFR****HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 2087 of 2020**

Sankalp Sahu, S/o. N.S. Sahu, Aged About 49 Years, Working As Assistant Director, Tribal Development Department, Bijapur (C.G.). R/o. House No. 12, Maruti Enclave, Tatiband, Raipur, Chhattisgarh.

**... Petitioner****versus**

**1** - State Of Chhattisgarh, Through Its Secretary, Tribal And Schedule Caste Development Department, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh.

**2** - Additional Secretary, Department Of Tribal Welfare And Schedule Caste, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh.

**3** - Commissioner, Tribal And Scheduled Caste Development Department, Block D Ground Floor, Indrawati Bhawan, New Raipur, Chhattisgarh 492015.

**... Respondents**


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For Petitioner : Mr. Tanmay Thomas, Advocate

For Respondents : Mr. Anmol Sharma, Panel Lawyer

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**(Single Bench)**  
**Hon'ble Shri Justice Sanjay K. Agrawal**

**Order on Board**

**25.02.2026**

1. The petitioner has preferred this petition challenging the order dated 08.02.2019 (Annexure P-1) by which the appeal of the petitioner has been dismissed in one line order, affirming the order dated 23.03.2013 (Annexure P-2) whereby major penalty of stoppage of five increments with cumulative effect has been imposed upon the petitioner.
2. Mr. Tanmay Thomas, learned counsel for the petitioner, would submit that in one line order, the appeal of the petitioner has been dismissed without assigning any reason and without following the Rule 27(2) of the Civil Services (Classification, Control & Appeal) Rules, 1966 (*hereinafter referred to as "The Rules of 1996"*); therefore, the impugned order deserves to be set aside.
3. Mr. Anmol Sharma, learned State counsel, would support the impugned order passed by the respondents authority and submit that the petition is liable to be dismissed.
4. I have heard learned counsel appearing for the parties and perused the documents meticulously.



5. Rule 27(2) of the Rules of 1996 provided as under :

**“27. Consideration of appeal : - xxx....xxx....xxx.....**

(2). In the case of an appeal an order imposing any of the penalties specified in Rule 10 or enhancing any penalty imposed under the said rules, the appellate authority shall consider -

- (a) whether the procedure laid down in these rules has been complied with and if not, whether such non-compliance has resulted in the violation of any provisions of the Constitution of India or in the failure of justice;
- (b) whether the findings of the disciplinary authority are warranted by the evidence on the record; and
- (c) whether the penalty or the enhanced penalty imposed is adequate, inadequate or severe;

**and pass order -**

- (i) confirming, enhancing, reducing or setting aside the penalty; or
- (ii) remitting the case to the authority which imposed or enhanced the penalty or to any other authority with such direction as it may deem fit in the circumstances of the case.”

6. A careful perusal of the Rule 27(2) of the Rules of 1996 would show that the appellate authority, while hearing the appeal, is required to consider the procedure laid down in these rules has been complied with and if not, whether such non-compliance has resulted in the violation of any provisions of the Constitution of India or in the failure of justice; whether the findings of the disciplinary authority are warranted by the evidence on the record; and whether



the penalty or the enhanced penalty imposed is adequate, inadequate or severe.

7. None of these rules have been followed and the appeal has been dismissed straightaway in one line order. Therefore, the order dated 08.02.2019 (Annexure P-1) is liable to be and hereby set aside. The matter is remitted back to the appellate authority to decide the case of the petitioner afresh and pass reasoned and speaking order in accordance with the Rules of 1996 within a period three months from the date of receipt of a copy of this order. However, it is made clear that this Court has not expressed any opinion on the merits of the case and the appellate authority shall decide the case of the petitioner, on its own merits, strictly in accordance with law.
8. In view of the above, this writ petition is allowed to the extent mentioned herein above. No cost.

Ashok

Sd/-  
(Sanjay K. Agrawal)  
Judge