



2026:CGHC:14788

**NAFR**

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**WPS No. 3119 of 2021**

**1** - Babban Chouhan S/o Shankar Lal Chauhan Aged About 36 Years  
Peon , C/o Protocol Section, High Court Establishment, Bodri , Bilaspur ,  
District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh  
**... Petitioner**

**versus**

**1** - State Of Chhattisgarh Through The Principal Secretary, Law  
Department Mahanadi Bhawan, Mantralaya Atal Nagar Naya Raipur ,  
District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

**2** - Chhattisgarh High Court Through Registrar, Bodri Bilaspur  
Chhattisgarh.

**---- Respondents**

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|---------------------|-----------------------------------|
| For petitioner      | : Mr. T.K. Jha, Advocate          |
| For State           | : Ms. Saumya Sharma, Panel Lawyer |
| For Respondent No.2 | : Mr. Amrito Das, Advocate        |

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**Hon'ble Shri Justice Rakesh Mohan Pandey**

**Order on Board**

**30.03.2026**

1. The petitioner has filed this petition seeking following relief (s) :

“10.1 That, this Hon'ble Court may kindly be  
pleased to call for the entire records relating  
to this case.

10.2 That, this Hon'ble Court may kindly be  
pleased to allow the petition and set-aside  
the impugned order dated 17.12.2019  
(Annexure P/6) and appellate order dated  
23.02.2021 (Annexure P/9) and allow the  
petitioner all consequential benefits, in the  
interest of justice.

10.3 That any other relief, which this Hon'ble Court may deem fit and proper together with cost of the petition.”

2. Mr. Jha, learned counsel appearing for the petitioner would submit that the petitioner was appointed as daily-rated employee on the post of (Sweeper) on 15.12.2010. Thereafter, the petitioner was promoted to the post of Peon on 01.04.2016. Mr. Jha, Advocate would fairly submit that three departmental inquiries were initiated against the petitioner. In two departmental inquiries, he was inflicted with penalty of Censure vide order dated 05.08.2019 and in third departmental inquiry, penalty of stoppage of one annual increment with non-cumulative effect was passed on 05.08.2019 itself. He would submit that thereafter, matter was placed before the competent authority and a decision was taken on 17.12.2019 to revert his services to the post of Contingency Paid Employee. He would further submit that the petitioner has been punished twice on account of his Work and Conduct. He would contend that the foundation of penalty inflicted on 17.12.2019 was same which were dealt with in departmental proceedings. In support of his submissions, he placed reliance on the judgment passed by the Hon'ble Supreme Court in the matter of **Lt. Governor, Delhi and Others Vs. HC Narinder Singh**, reported in **2004 (13) SCC 342**, wherein, it is held that second proposed action based on the same cause of action proposing to deny promotion or reversion would amount to double punishment based on the same cause of action. He would pray to quash the decision taken on 17.12.2019.
3. On the other hand, Mr. Das, learned counsel appearing for the

respondent No.2 would oppose submissions. He would submit that initially, the petitioner was appointed as Contingency Paid Employee and later on, he was promoted to the post of Peon. He would contend that three departmental inquiries were pending against the petitioner and in those departmental inquiries, he was inflicted with penalty of Censure and withholding of one annual increment with non-cumulative effect. He would contend that after completion of two years of service, the matter was placed before the competent authority to consider his case for confirmation and a decision was taken to revert him to the post held by him prior to his promotion and such decision was taken strictly in accordance with the provision of the Chhattisgarh High Court Service (Appointment, Condition of Service and Conduct) Rules, 2017 (for short the Rules of 2017'). He would refer to Rule 11(4) of the Rules of 2017. He would submit that the petition is misconceived and deserves to be dismissed.

4. Ms. Saumya Sharma, learned Panel Lawyer would support the contention made by Mr. Das.
5. Heard the learned counsel appearing for the parties and perused the documents placed on record.
6. Rule 11(4) of the Rules of 2017 is reproduced herein below :

**“11(4) : Probation, Officiation and Confirmation –**

(1) xxxxxxxx

(2) xxxxxxxxxxxxxxxxxxxx

(3) xxxxxxxxxxxxxxxxxxxx

**(4)** At the expiry of the period of probation or officiation, as the case may be, the Chief Justice or such other Judge or Officer nominated by the Chief Justice shall consider the suitability of the person to hold the post to which he is appointed or promoted; and-  
(i) If he is found suitable to hold the post, the Registrar General with the approval of the Chief Justice, shall issue an order

confirming his service in the post.

(ii) If he is not found suitable to hold the post to which he is appointed or promoted, the Registrar General with the approval of the Chief Justice shall; -

(a) If he is promoted revert him to the post held by him prior to his promotion; or

(b) If he is a probationer, discharge him from service.”

A bare reading of the above-quoted provision would make it clear that after expiry of period of probation, case would be placed before the competent authority or Officer nominated by the Chief Justice. The matter was considered by the competent authority and the petitioner was not found suitable to hold the post to which he was promoted and therefore, a decision was taken to revert him to the post held by him prior to his promotion.

7. With regard to contention of double punishment taken by Mr. Jha, it is not a case where on account of same cause of action, the petitioner has been punished twice rather in the present case, the competent authority while examining suitability of the petitioner for confirmation, took decision according to the Rule 11(4) of the Rules of 2017 and the petitioner was reverted.
8. Taking into consideration the above-discussed facts, I do not find any good ground to entertain this petition. Accordingly, this petition fails and is hereby **dismissed**.

**Sd/-**

**(Rakesh Mohan Pandey)**  
**Judge**