



2026:CGHC:37469



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 4177 of 2022

- Rajesh Kumar Mandle S/o Lt. Amar Singh Mandle Aged About 48 Years
Office - Directorate Of Culture And Archeology, MGM Museum, Civil
Lines, Near Raj Bhawan, Raipur (C.G.) 492001

... Petitioner

versus

1. State Of Chhattisgarh Through - Secretary, Food, Civil Supplies And
Consumer Protection, Policy Economic And Statistics And Cultural
Department, Mahanadi Bhawan, Mantralaya, Nava Raipur, Atal Nagar,
Raipur (C.G.) 492002
2. Director Directorate Of Culture And Archeology, MGM Museum, Civil
Lines, Near Raj Bhawan, Raipur (C.G.) 492001
3. Director Directorate Of Social Welfare, Samanj Kalyal Parisar, Mana Camp
Raipur (C.G.) 492015

... Respondent(s)

For Petitioner	: Mr. Akash Kumar Kundu, Advocate
For State	: Mr. Amandeep Singh, Panel Lawyer

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

20.08.2026

1. By way of this petition, the petitioner has sought the following relief(s):-

“10.1 That This Hon’ble Court may be pleased to quash the impugned order dated 19.03.2021 (Annexure P/1) and direct the respondents to release the due payment of the petitioner with appropriate interest.

10.2 Any other relief(s), direction(s), which Hon’ble the Court deems fit, and proper, in the



circumstances of the case.”

2. Facts in brief are that the petitioner, who was posted on the post of Driver under the respondent No. 2 since year 2018 was subjected to departmental enquiry on allegation that he remained absent from services for period from 22.12.2018 to 20.09.2019. Inquiry Officer and Presenting Officer were appointed by the disciplinary authority, and thereafter, departmental enquiry was conducted. The Inquiry Officer found charges not proved and submitted its report before the disciplinary authority. The disciplinary authority vide order dated 19.03.2021, contrary to the provisions of Rule 15(2) of Chhattisgarh Civil Services (Classification, Control and Appeal) Rules, 1966 (for short “Rules, 1966”) recorded his disagreement and applied principle of “no work, no pay” for period of absence.
3. Mr. Akash Kumar Kundu would contend that the authority concerned should have recorded reasons for such disagreement before inflicting penalty. He would pray to quash the order dated 19.03.2021.
4. On the other hand, Mr. Amandeep Singh would oppose. He would submit that the disciplinary authority has assigned sufficient reasons while recording his disagreement and inflicting penalty. He would submit that this petition deserves to be dismissed.
5. I have heard learned counsel for the parties and perused the documents placed on record.
6. Admittedly, the Inquiry Officer found all the allegations not proved in its report. The disciplinary authority recorded his disagreement with the findings recorded by the Inquiry Officer, and at the same time, declared the period of absence as “no work, no pay”.



7. Rule 15 of Rules, 1966 reads as under :-

“15. Action on the inquiry report.

(1) The disciplinary authority if it is not itself the inquiring authority may, for reasons to be recorded by it in writing, remit the case to the inquiring authority for further inquiry and report and the inquiring authority shall thereupon proceed to hold the further inquiry according to the provisions of Rule 14 as far as may be.

(2) The disciplinary authority shall, if it disagrees with the findings of the inquiring authority on any article of charge, record its reasons for such disagreement and record its own finding on such charge, if the evidence on record is sufficient for the purpose.

(3) If the disciplinary authority having regard to its findings on all or any of the articles of charge is of the opinion that any of the penalties specified in [x x x] Rule 10 should be imposed on the Government servants, it shall, notwithstanding anything contained in Rule 16, make an order imposing such penalty [but in doing so it shall record reasons in writing]

Provided that in every case where it is necessary to consult the Commission, the record of the inquiry shall be forwarded by the disciplinary authority to the Commission for its advice and such advice shall be taken into consideration before making any order imposing any penalty on the Government servant.[x x x] [Omitted by Notification No. C-6-5-83-3-I, dated 23-7-1984.].”

8. Bare reading of Sub-rule (2) of Rule 15 would make it clear that if disciplinary authority disagrees with the findings of the inquiring authority, he has to record its reasons for such disagreement and further such authority



has to record its own findings on each charge.

9. In the present case, the inquiry report and evidence were available with the disciplinary authority, but no reason has been assigned by the disciplinary authority while recording disagreement. Further, the disciplinary authority has not recorded its own findings on allegations, therefore the order Annexure P/1 dated 19.03.2021 is not sustainable in the eyes of law and is hereby quashed.

10. In result, this petition is **allowed**. Consequences to follow.

Sd/-
(Rakesh Mohan Pandey)
JUDGE

Siddhant