



2026:CGHC:27489



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HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 3740 of 2021**

1. Anil Kumar Kanwar (Died) Through Lrs. As Per Hon'ble Court Order Dated 17-06-2026.

1.1 - Shiv Kumari Kanwar W/o Late Shri Anil Kumar Kanwar Aged About 47 Years R/o 1304, Kudaripara Ward No. 52, Banki Mongra, Tahsil And District- Korba (C.G.)

... Petitioner**versus**

1. State Of Chhattisgarh Through- Its Secretary, Department Of Home/police, Mahandi Bhawan, Mantrlaya, Police Station And Post- Rakhi, Atal Nagar, New Raipur, District- Raipur, Chhattisgarh
2. Director General Of Police (D.G.P.) Police Headquarters (PHQ), Near Mahanadi Mantralay, Police Station And Post- Rakhi, Atal Nagar, New Raipur, District- Raipur, Chhattisgarh
3. Inspector General Of Police (I.G.P.) Office Of Inspector General Of Police (I.G.P.) Near Nehru Chowk, Bilaspur Range, District- Bilaspur, Chhattisgarh
4. Superintendent Of Police (S.P.) Office Of Superintendent Of Police (S.P.) Korba, District- Korba, Chhattisgarh

... Respondent(s)

For Petitioner	:	Mr. Abhishek Pandey, Advocate
For State	:	Mr. Kanwaljeet Singh Saini, Dy. Government Advocate

Hon'ble Shri Justice Rakesh Mohan Pandey**Order on Board****03.07.2026**

1. The original petitioner, who was Head Constable died during the pendency of this petition and his wife has been substituted in this petition as petitioner.
2. By way of this petition, the petitioner has sought the following relief(s):-

“10.1 That, this Hon'ble Court may kindly be



pleased to direct the respondent authorities to produce all the relevant records relating to case of the petitioner before this Hon'ble Court for its kind perusal.

10.2 That this Hon'ble Court may kindly be pleased to set aside/quash the impugned appellate order dated 25.11.2019 (Annexure P/4) passed by respondent No.3/IGP, Bilaspur (CG) and also direct respondent No.3/IGP, Bilaspur to decide the service appeal of the petitioner afresh by passing a well-reasoned and speaking order considering the contentions raised by the petitioner in his appeal.

10.3 That this Hon'ble Court may further be pleased to direct respondents to give suitable compensation to the petitioner for the mental trauma and agony, harassment and hardships suffered by him as also cost of the litigation.”

3. Learned counsel for the petitioner would submit that husband of the petitioner, who was posted on the post of Head Constable under the respondent No. 4 was served with article of charge on 24.05.2018. He would submit that a departmental enquiry was initiated against him and ultimately the disciplinary authority inflicted penalty of dismissal from service vide order dated 19.09.2019. He would submit that the husband of the petitioner preferred duly constituted appeal raising various grounds before the respondent No. 3 on 04.10.2019. It is contended by Mr. Pandey that the appellate authority failed to consider the grounds raised by the husband of the petitioner in memo of appeal and dismissed it in a cryptic manner. He has placed reliance on the judgment passed by the Hon'ble Supreme Court in the matter of **Divl. Forest Officer, Kothagudem & Ors. vs. Madhusudhan Rao**, reported in **(2008) 2 SCR 610** and the judgment passed by this Court in the matter of **H.K. Lagar vs. Chhattisgarh Gramin Bank and Ors.**, in



WP(S) No. 5521 of 2012.

4. On the other hand, learned counsel appearing for the State would oppose. Mr. Saini would submit that sufficient opportunity was afforded by enquiry officer and thereafter penalty was inflicted by disciplinary authority. He would contend that the petitioner has not raised any substantial ground to interfere with the order passed by the appellate authority. He would submit that it is not necessary for the appellate authority to pass a detailed order while adjudicating an appeal preferred by delinquent employee. 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. Perusal of the order passed by the appellate authority would show that the grounds raised by the original petitioner in memo of appeal have not been considered, which has been annexed as Annuexure P/3. The appellate authority in a cryptic manner dismissed the appeal preferred by the petitioner.
7. In the matter of **Kothagudem** (supra), the Hon'ble Supreme Court has held in paras 18 & 19 as follows:

“18. Having considered the submissions made on behalf of the respective parties and also having regard to the detailed manner in which the Andhra Pradesh Administrative Tribunal had dealt with the matter, including the explanation given regarding the disbursement of the money received by the respondent, we see no reason to differ with the view taken by the Administrative Tribunal and endorsed by the High Court. No doubt, the Divisional Forest Officer dealt with the matter in detail, but it was also the duty of the



appellate authority to give at least some reasons for rejecting the appeal preferred by the respondent. A similar duty was cast on the revisional authority being the highest authority in the Department of Forests in the State. Unfortunately, even the revisional authority has merely indicated that the decision of the Divisional Forest Officer had been examined by the Conservator of Forests, Khammam wherein the charge of misappropriation was clearly proved. He too did not consider the defence case as made out by the respondent herein and simply endorsed the punishment of dismissal though reducing it to removal from service.

19. It is no doubt also true that an appellate or revisional authority is not required to give detailed reasons for agreeing and confirming an order passed by the lower forum but, in our view, in the interests of justice, the delinquent officer is entitled to know at least the mind of the appellate or revisional authority in dismissing his appeal and/or revision. It is true that no detailed reasons are required to be given, but some brief reasons should be indicated even in an order affirming the views of the lower forum.”

8. In the matter of **H.K. Lagar** (supra), this Court has held in paras 31 to 34 as follows:

“31. Even if the appellate order is in agreement with that of the Disciplinary Authority, it may not be speaking order, but the Authority passing the same must show that there had been proper application of mind in compliance with the requirement of law while exercising his jurisdiction particularly when the rules required application of mind on several factors and several contentions had been raised and he was bound to assign reasons so as to enable the Court reviewing its decision to ascertain as to whether it had applied its mind to the relevant factors which the rule required to do. (See 13 (2008) 3 SCC 469 14 (2001) 5 SCC 340 Narinder Mohan Arya v. United India Insurance Co. Ltd. and others, (2006) 4 SCC 713).

32. Reverting to the facts of the case in light of the legal position enumerated hereinabove, it is quite vivid that the appellate authority has not assigned any reason to indicate that it has applied its mind on the grounds raised and not even a brief reason has been indicated in the appellate order to say that due procedure as per the regulation has been followed while conducting departmental enquiry and further that the findings of the Disciplinary Authority are based on record and the



penalty imposed is just and proper. As such, the Appellate Authority has failed to decide the appeal in accordance with law.

33. As a fallout and consequence of the aforesaid legal discussion, the impugned order of petitioner's removal from service dated 24/05/2012 (Annexure P/8) as well as the appellate order dated 03/09/2012 (Annexure P/9) are hereby quashed. Respondent No. 1 Bank is directed to reinstate the petitioner with all consequential service benefits.

34. Accordingly, this writ petition is allowed to the extent indicated hereinabove. No cost(s)."

9. Having considered submissions advanced by Mr. Pandey, and the law laid down by the Hon'ble Supreme Court, the order passed by the appellate authority dated 25.11.2019 is hereby **quashed**. The matter is remitted back to the appellate authority to decide the appeal afresh after affording due opportunity of hearing to the petitioner.
10. The entire exercise shall be completed within a period of 120 days from the date of receipt of copy of this order.
11. With the aforesaid observation(s), and direction(s), the instant petition is hereby **disposed of**.

Sd/-
(Rakesh Mohan Pandey)
JUDGE