



2026:CGHC:18047

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 4796 of 2018**

Alias John S/o I Filkash Aged About 45 Years R/o Village Gahmarra, Post And
Tahsil Dongargarh District Rajnandgaon Chhattisgarh. **... Petitioner**

versus

1 - The State Of Chhattisgarh Through Its Secretary Panchayat And Social
Welfare Department, Mantralaya, Naya Raipur District Raipur Chhattisgarh.

2 - Collector Distt. Rajnandgaon Chhattisgarh, District : Rajnandgaon,
Chhattisgarh.

3 - Deputy Director Panchayat Distt. Rajnandgaon Chhattisgarh, District :
Rajnandgaon, Chhattisgarh.

4 - Chief Executive Officer Zila Panchayat Rajnandgaon, District Rajnandgaon
Chhattisgarh, District : Rajnandgaon, Chhattisgarh.

5 - Chief Executive Officer, Janpad Panchayat, Dongargarh District
Rajnandgaon Chhattisgarh, District : Rajnandgaon, Chhattisgarh.

6 - Gram Panchayat, Through Secretary, Gajmarra, Janpad Panchayat
Dongargarh, District Rajnandgaon Chhattisgarh., District : Rajnandgaon,
Chhattisgarh.

... Respondent(s)

For Petitioner	: Mr. Parag Kotecha, Advocate
For State	: Mr. T. L. Bareth, Panel Lawyer
For Respondent No.4	: Mr. Aniruddh Shrivastava, Advocate on behalf of Mr. Shaleen Singh Baghel, Advocate

Hon'ble Shri Justice Rakesh Mohan Pandey**Order on Board****21/04/2026**

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

10.I. Quash/set aside an order dated 21/5/18 (Annexure P/ 10) issued by the respondent no. 4.

II. direct the respondents to reinstate the petitioner alongwith all back wages and all other consequential and other benefit to the petitioner.

III. direct the respondents to produce the entire record pertaining to petitioner case.

IV. Any other relief which this Hon'ble Court deems fit and proper under the facts and circumstances of the case may also be passed in favour of the petitioner and the cost of the petition may be awarded in favour of the petitioner."

2. Learned counsel appearing for the petitioner would submit that the petitioner was appointed to the post of Panchayat Secretary, Gram Panchayat Gajmarra, Janpad Panchayat Dongargarh, District Rajnandgaon, vide order dated 10.08.2000. He would further submit that petitioner was apprehended in connection with offence punishable under Sections 302/34, 148, and 201 of the IPC and was convicted by the competent criminal Court vide order dated 31.07.2006. He would contend that the petitioner preferred an appeal before the High Court, which was allowed vide judgment dated 04.05.2017, and the petitioner was acquitted of all charges. He would further contend that after acquittal, the petitioner approached the respondent authorities seeking reinstatement, but his request was declined. He would argue that without providing an opportunity of hearing to the petitioner, an order dated 21.05.2018 was passed by the Chief Executive Officer, Zila Panchayat, Rajnandgaon, terminating his services on the ground of absence from duty for long 10 years. He would further argue that no departmental enquiry, as required under

Rule 7 of the Chhattisgarh Panchayat Service (Discipline and Appeal) Rules, 1999 (for short, the Rules, 1999), was conducted. Since the petitioner was working as Secretary of the Gram Panchayat Gajmarra, he was a employee of Panchayat, and therefore, the respondent authorities were under obligation to conduct a proper departmental enquiry; thus, it is prayed that the order dated 21.05.2018 may be quashed.

3. On the other hand, learned counsel appearing for the respondents would oppose and submit that the notice was issued to the petitioner; however, since he was in jail, it could not be served, thereafter, order impugned dated 21.05.2018 was passed by the Chief Executive Officer, Janpad Panchayat Rajnandgaon, terminating his services. He would further submit that the petitioner was convicted for the offences punishable under Sections 302 read with Section 34, 148, & 201 of the IPC. Subsequently, in appeal, the petitioner was acquitted by the High Court. He would argue that the petitioner remained 10 years unauthorizedly absent from his duties; thus, the petition is misconceived and deserves to be dismissed.
4. It is argued by Mr. Shrivastava, learned counsel appearing for respondent No.4 that the petitioner remained absent for more than five years, and according to Rule 11 of the Chhattisgarh Civil Services (Leave) Rules, 2010, such absence was treated as resignation & therefore, no enquiry was conducted.
5. I have heard learned counsel for the parties and perused the documents.
6. Rule 7 of the Rules, 1999, reads as under:-

“Rule - 7. Procedure for imposing major penalties.

(1) No order, imposing on a member of the Panchayat Service, any of the penalties specified in clauses (iv) to (via) of Rule 5 shall be passed except after a formal inquiry is held as far as may be, in the manner hereinafter provided.

(2) When an order for formal inquiry has been made, the disciplinary authority shall frame Definite charges on the basis of allegations and shall communicate such charges, along with the statement of the allegations, to the member of the Panchayat Service and also require him to submit, within such time as may be specified a written statement of defence and also to state whether he desires to be heard in person.

(3) The person against whom inquiry is to be held shall, for the purpose of preparing to defence, be permitted to inspect and take extracts from such records as he may specify :

Provided that such permission may be refused if, for reasons to be recorded in writing, in the opinion of the Enquiry Officer such records are not relevant for the purpose or it is against the public interest to allow his access thereto.

(4) On receipt of the written statement of defence or if any such statement is not received within the time specified, the disciplinary authority may himself enquire into such of the charges as are not admitted or appoint an Enquiry Officer to hold the inquiry and forward to him his report and, if advised, his recommendation along with all the inquiry papers.

(5) The disciplinary authority may nominate any person to present the case in support of the charges before the Enquiry Officer. The member of the Panchayat Service may present his case with the assistance of any other Panchayat Servant of State Government Servant approved by the Enquiry Officer but may not engage a legal practitioner for the purpose, unless the person nominated by the disciplinary authority as aforesaid is a legal practitioner or unless the disciplinary authority having regard to the circumstances of the case so permits.

(6) If the servant of the Panchayat Service desires to be heard in person, he shall be so heard. If he so desires or if the disciplinary authority so directs, an oral enquiry shall be held by the Enquiry Officer. At such inquiry, evidence shall be heard as to such of the allegations as are not admitted and the person charged shall be entitled to cross examine the witness, to give evidence in person, to produce documentary evidence, if any and to have such witness called as he may wish :

Provided that the Enquiry Officer may, for reasons to be recorded in writing, refuse to call a witness.

(7) At the conclusion of the inquiry, the Enquiry Officer shall prepare a report of the inquiry, recording his findings on each of the charges together with reasons therefor.

(8) The proceedings conducted against the persons charged shall contain a sufficient record of :

(i) the charges framed against such person and the statement of allegations;

(ii) the written statement of defence if any;

(iii) the oral evidence taken in the course of the inquiry;

(iv) the documentary evidence considered in the course of the inquiry;

(v) the orders, if any, made by the Enquiry Officer or the disciplinary authority, as the case may be, with regard to the inquiry;

(vi) a report setting out the findings on each charge and the reasons therefor.

(9) The Enquiry Officer, if he is other than the disciplinary authority, shall submit the records of the proceedings mentioned in clause (8) above to the disciplinary authority without recommendation relating to the penalty to be imposed. The disciplinary authority shall consider the record of the enquiry and its findings on each charge, having regard to the findings on the charges and the record (if the proceedings) if he is of the opinion that any of the penalties specified in clauses (iv) to (vii) of Rule 5 should be imposed, it shall furnish to the person charged a copy of the report of the Enquiry Officer, and where the disciplinary authority is not the Enquiry Officer a statement of its findings together with brief, reasons for disagreement, if any, with the findings of the Enquiry Officer.

(10) The disciplinary authority shall consider the representation, if any, made by the person charged in response to the notice and determine the penalty, if any, should be imposed and shall pass appropriate order on the case.

(11) The orders passed by the disciplinary authority shall be communicated to the member of the Panchayat Service, who shall also be supplied with a copy of the report of the Enquiry Officer and where disciplinary authority is not the Enquiry Officer, a statement of its findings together with the brief reasons for disagreement, if any, with the findings of the Enquiry Officer, unless they have already been supplied to the person charged."

7. It appears that the petitioner was appointed as Panchayat Secretary of the Gram Panchayat Gajmarra and was convicted under Sections 302/34, 148, and 201 of the IPC. He preferred an appeal before the High Court, which was allowed, and he was acquitted and during these

periods, the petitioner remained absent which led the Chief Executive Officer, Rajnandgaon, to pass the impugned order.

8. From perusal of the order impugned, it is apparent that no enquiry was conducted, thus, the Rule 7 of the Rules, 1999 has not been followed, therefore, the order dated 21.05.2018 (Anenxure P/10) is hereby **quashed**.
9. Accordingly, the petition is **allowed**.
10. The respondent authorities are directed to initiate a fresh enquiry and take an appropriate decision in accordance with the provisions of Rule 7 of the Rules, 1999. The claim of other service benefits shall be decided in the departmental enquiry.
11. The entire exercise shall be completed within a period of 120 days.

Sd/-

Rakesh Mohan Pandey

JUDGE

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