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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 5355 of 2019

Santosh Rangare, S/o Shri Dhannalal Rangare, aged about 42 years, Occupation Constable No.651 (Terminated), R/o Post Office Bakera, Police Station Rampayli, Tahsil Warasioni, District Balaghat, Madhya Pradesh.

... Petitioner

versus

1. State of Chhattisgarh, through the Secretary, Home Police Affairs, Mahanadi Bhawan, Atal Nagar, District Raipur, Chhattisgarh.
2. The Director General of Police, Police Head Quarter, Atal Nagar, District Raipur, Chhattisgarh.
3. Additional Director General of Police (Chhattisgarh Armed Force), Police Head Quarter, Atal Nagar, District Raipur, Chhattisgarh.
4. The Inspector General of Police (Chhattisgarh Armed Force), Police Head Quarter, Atal Nagar, District Raipur, Chhattisgarh.
5. The Commandant, (CAF) 13Bn. (I/R), Bango, Korba, District Korba, Chhattisgarh.

... Respondents

For Petitioner : Mr. Sunil Tripathi, Advocate.

For Respondents : Mr. Sharad Mishra, Panel Lawyer.

Single Bench:-

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

24/02/2026

1. The petitioner has called in question the appellate order dated 5-9-2014 by which his appeal has been dismissed affirming the order of termination dated 13-9-2012.
2. Mr. Sunil Tripathi, learned counsel appearing on behalf of the petitioner, submits that enquiry was not conducted in accordance with the rules and the appeal has also been dismissed summarily without following Rule 27(2) of the Chhattisgarh Civil Services (Classification, Control and Appeal) Rules, 1966 (for short, 'the Rules of 1966').
3. Mr. Sharad Mishra, learned State counsel, opposes the petition and supports the impugned order.
4. I have heard learned counsel for the parties and considered their rival submissions made herein-above and also gone through the material available on record with utmost circumspection.
5. Rule 27(2) of the Rules of 1966 states as under: -

“27. Consideration of appeal.-(1) xxx xxx xxx

(2) In the case of an appeal against 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 orders -

(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 :

Provided that -

(i) the Commission shall be consulted in all cases where such consultation is necessary;

(ii) if the enhanced penalty which the appellate authority proposes to impose is one of the penalties specified in clauses (v) to (ix) of Rule 10 and an inquiry under Rule 14 has not already been held in the case, the appellate authority shall, subject to the provisions of Rule 19, itself hold such inquiry or direct that such inquiry be held in accordance with the provisions of Rule 14 and thereafter, on consideration of the proceedings of such inquiry, make such orders as it may deem fit;

(iii) if the enhanced penalty which the appellate authority proposes to impose is one of the penalties specified in clauses (v) to (ix) of Rule 10 and an inquiry under Rule 14 has already been held in the case, the appellate authority shall, after giving the appellant a reasonable opportunity of making representation against the penalty proposed, make such order as it may deem fit.

(iv) no order imposing an enhanced penalty shall be made in any other case unless the appellant has been given a reasonable opportunity, as far as may be, in accordance with the provisions of Rule 16, of making a representation against such enhanced penalty.”

6. A careful perusal of the impugned appellate order would show that no merit has been considered and only some facts have been narrated and thereafter, on the ground that appeal has not been preferred within time and that no specific ground has been raised, the appeal has been dismissed, which comes within the purview of

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non-compliance of Rule 27(2) of the Rules of 1966. Accordingly, the order dated 5-9-2014 (Annexure P-2) is set aside and the matter is remitted to the Inspector General of Police (Chhattisgarh Armed Forces), Raipur, for passing order afresh after considering all aspects of the matter in accordance with law, within a period of 45 days from the date of receipt of a copy of this order.

7. With the aforesaid observation and direction, the writ petition stands finally disposed of. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
JUDGE

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