



2026:CGHC:18039



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**NAFR****HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 6942 of 2021**

Sanjeev Kumar Sharma S/o Shri Ramanand Sharma Aged About 38 Years R/o  
Village Pandhi, District Bilaspur, Chhattisgarh.

**... Petitioner****versus**

**1** - State Of Chhattisgarh Through The Secretary, Home (Police) Department,  
Atal Nagar, Mantralaya, Nawa Raipur, Chhattisgarh., District : Raipur,  
Chhattisgarh.

**2** - The Inspector General Of Police Chhattisgarh Police Headquarter, Nawa  
Raipur, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh.

**3** - The Superintendent Of Police District Janjgir-Champa, Chhattisgarh.,  
District : Janjgir-Champa, Chhattisgarh.

**4** - The Additional Superintendent Of Police Adim Jati Kalyan Thana, Janjgir,  
District Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh.

**5** - The Sub-Divisional Officer (Police) Sakti, District Janjgir-Champa,  
Chhattisgarh., District : Janjgir-Champa, Chhattisgarh.

**... Respondent(s)**

|                       |   |                                    |
|-----------------------|---|------------------------------------|
| <b>For Petitioner</b> | : | Mr. Amitesh Kumar Pandey, Advocate |
| <b>For State</b>      | : | Mr. RCS Deo, Panel Lawyer          |

**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):-

**“10.1** That, this Hon'ble Court may kindly be pleased to call for entire records of present case, from the respondents.

**10.2** That, this Hon'ble Court may kindly be pleased to issue an appropriate writ, thereby setting-aside/quashing the impugned orders dated 08.05.2017 and 06.10.2016 (Annexure P/1 & P/2).

**10.3** That, this Hon'ble Court may kindly be pleased to direct the respondent authorities to release the withheld increment in favour of petitioner with all consequential benefits.

**10.4** That, any other relief/order which may deem fit and just in the facts and circumstances of the case including award of the costs of the petition may be given.”

2. In the present case, the petitioner, who was holding the post of Constable, was served with Articles of Charge alleging that he entered the house of complainant namely Lalit Choudhary on 02.09.2015 in drunken condition and demanded ₹70,000 while in uniform. A complaint to this effect was received on 07.09.2015. It was further alleged that the petitioner misbehaved with his superior officers. The Disciplinary Authority appointed an Enquiry Officer and a Presenting Officer. The petitioner was provided sufficient opportunity to defend himself and during the enquiry, the prosecution examined the following witnesses: Shri Victor Tirkey (PW-1), Additional Superintendent of Police HQ Janjgir (Retired); Tarkeshwar Patel (PW-2), Sub-Divisional Officer of Police; Lalit Ram Choudhary (PW-3); Indraman Singh (PW-4), & Dhruv Kumar Dwivedi (PW-5). All these witnesses supported the case of the prosecution. The petitioner was also given an opportunity to cross-examine them. The Enquiry Officer submitted his report to the Disciplinary Authority, thereafter, a penalty of withholding of one



increment with cumulative effect was imposed vide order dated 16.10.2016. The petitioner preferred an appeal before respondent No. 2, which was dismissed vide order dated 08.05.2017.

3. Learned counsel appearing for the petitioner would submit that there are contradictions and omissions in the statements of the prosecution witnesses, which were not considered by the disciplinary authority and the Appellate Authority. He would further submit that sufficient opportunity of hearing was not provided to the petitioner and relevant documents were also not supplied to him, therefore, the orders passed by the Disciplinary Authority and affirmed by the Appellate Authority are bad in law and liable to be quashed.
4. On the other hand, learned State counsel would oppose the submissions made by counsel for the petitioner and submit that the petitioner was served with a show cause notice along with Articles of Charge and relevant documents. It is further submitted that no application was made by the petitioner before the Enquiry Officer for supply of additional documents. The prosecution witnesses were duly examined to prove the charges, and sufficient opportunity was afforded to the petitioner to cross-examine them.
5. It is also contended that the grounds raised in the present petition were not raised before the authorities below. There are concurrent findings recorded by the Disciplinary Authority and the Appellate Authority; therefore, the petition deserves to be dismissed.
6. I have heard learned counsel for the parties and perused the documents placed on file.
7. In matters of departmental enquiry, appreciation of evidence is not permissible by the High Court while exercising powers under Article 226 of the Constitution of India. The Court cannot interfere with the findings unless the order is passed by an incompetent authority, or



there is violation of principles of natural justice, or the punishment imposed is disproportionate or shockingly unreasonable.

8. The scope and power of judicial review of the Courts while dealing with the validity of the quantum of punishment imposed by the disciplinary authority was the subject matter of discussion before the Hon'ble Supreme Court in ***Life Insurance Corporation of India and others vs. S. Vasanthi [(2014) 9 SCC 315]***, wherein it was reiterated that the High Court in the exercise of its powers of judicial review cannot assume the role of sitting as a departmental appellate authority as the same is not permissible under law. It shall be apt to reproduce paras 10 and 11 of the judgment which read thus:-

*"10. The scope and power of judicial review of the courts while dealing with the validity of quantum of punishment imposed by the disciplinary authority is now well settled. In **Kendriya Vidyalaya Sangathan v. J. Hussain (2013) 10 SCC 106**, the law on this subject, is recapitulated in the following manner: (SCC pp.110-12, paras 7-10) "7. When the charge is proved, as happened in the instance case, it is the disciplinary authority with whom lies the discretion to decide as to what kind of punishment is to be imposed. Of course, this discretion has to be examined objectively keeping in mind the nature and gravity of charge. The Disciplinary Authority is to decide a particular penalty specified in the relevant Rules. Host of factors go into the decision making while exercising such a discretion which include, apart from the nature and gravity of misconduct, past conduct, nature of duties assigned to the delinquent, responsibility of duties assigned to the delinquent, previous penalty, if any, and the discipline required to be maintained in department or establishment where he works, as well as extenuating circumstances, if any exist....*

*11. We are of the opinion that the High Court transgressed its limits of judicial review by itself assuming the role of sitting as departmental appellate authority, which is not permissible in law. The principles discussed above have been summed*



up and summarized as follows in the case of **Lucknow Kshetriya Gramin Bank . v. Rajendra Singh, (2013) 12 SCC 372 ( SCC p.382, , para 19):-**

*"19.1. When charge(s) of misconduct is proved in an enquiry, the quantum of punishment to be imposed in a particular case is essentially the domain of the departmental authorities.*

*19.2. The courts cannot assume the function of of disciplinary/ departmental authorities and to decide the quantum of punishment and nature of penalty to be awarded, as this function is exclusively within the jurisdiction of the competent rt authority.*

*19.3 Limited judicial review is available to interfere with the punishment imposed by the disciplinary authority, only in cases where such penalty is found to be shocking to the conscience of the court.*

*19.4 Even in such a case when the punishment is set aside as shockingly disproportionate to the nature of charges framed against the delinquent employee, the appropriate course of action is to remit the matter back to the disciplinary authority or the appellate authority with direction to pass appropriate order of penalty. The court by itself cannot mandate as to what should be the penalty in such a case.*

*19.5. The only exception to the principle stated in para 19.4 above, would be in those cases where the co-delinquent is awarded lesser punishment by the disciplinary authority even when the charges of misconduct were identical or the co- delinquent was foisted with more serious charges. This would be on the doctrine of equality when it is found that the employee concerned and the co- delinquent are equally placed. However, there has to be a complete parity between the two, not only in respect of nature of charge but subsequent conduct as well after the service of charge-sheet in the two cases. If the co-delinquent accepts the charges, indicating remorse with unqualified*



*apology, lesser punishment to him would be justifiable."*

9. From the above proposition of law, it is well settled that the High Court in exercise of its powers of judicial review cannot assume the role of sitting as a departmental appellate authority. The limited judicial review is available to interfere with the punishment imposed by the disciplinary authority, only in cases where such penalty is found to be shocking to the conscience of the court.
10. In the present case, the petitioner was duly served with a show cause notice alongwith Articles of Charge and the relevant documents. The petitioner did not submit any application before the Enquiry Officer seeking the supply of additional documents. The record reflects that the prosecution witnesses were properly examined in support of the charges, and the petitioner was afforded adequate opportunity to cross-examine them. There is concurrent finding recorded by the disciplinary authority as well as appellate authority.
11. Taking into consideration the above stated facts and law, the petition is hereby **dismissed**.

**Sd/-**

**Rakesh Mohan Pandey**

**JUDGE**

Nadim