



2026:CGHC:39486



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 6603 of 2026

Ishwari Narayan Singh S/o Prabhu Narayan Singh Aged About 40 Years R/o Street 6, Mahesh Colony, Opp. Gayatri Provision, Raipur, District Raipur Chhattisgarh 492008

. Petitioner(s)

Versus

1 - State Of Chhattisgarh Through Secretary, Public Health And Family Welfare Department, Mantralaya, Mahanadi Bhawan, Nava Raipur, Atal Nagar, District Raipur Chhattisgarh

2 - State Of Chhattisgarh Through Controller, Food And Drug Administration, Chhattisgarh, Indravati Bhawan, Nava Raipur, Atal Nagar, District Raipur Chhattisgarh

3 - State Of Chhattisgarh Through Deputy Director, Food And Drug Administration, District Raipur Chhattisgarh

Respondent(s)

(Cause-title taken from CIS)

For Petitioner(s) : Mr. Kishore Bhaduri, Senior Advocate along with Mr. Khulesh Sahu, Advocate

For Respondent(s) : Mr. Shahil Singh, PL



Hon'ble Shri Bibhu Datta Guru, Judge
Order on Board

09.09.2026

1. The Petitioner has filed the instant Writ Petition for the following reliefs:-

“A. To issue a writ in the nature of Certiorari or any other writ, quashing the Impugned Order dated 13.07.2026 (ANNEXURE P/1), passed by the Respondent No. 1, and consequently, the original Punishment Order dated 11.02.2026 (ANNEXURE P/5) passed by the Respondent No. 2.

B. To direct the Respondents to restore all consequential service benefits, including increments, arrears of pay, and to consider the petitioner for promotion, if due, treating the period as service with all benefits.

C. Any other relief(s) in favor of Petitioner as this Hon'ble Court may deem fit and proper under the facts and circumstances of the case.”

2. Learned counsel for the petitioner submits that the petitioner, while working as Drug Inspector, was subjected to disciplinary proceedings in connection with the investigation undertaken pursuant to Order No.227 dated 15.12.2025. It is submitted that the petitioner was issued show-cause notice dated 21.01.2026 alleging certain lapses on his part in connection with the proceedings dated 16.12.2025 and 20.12.2025. The petitioner submitted his reply dated 23.01.2026 specifically denying the allegations levelled against him.

3. (a) Learned counsel for the petitioner submits that despite the factual allegations having been specifically denied, no departmental enquiry was



conducted and the disciplinary authority, vide order dated 11.02.2026, imposed penalty of withholding of three increments without cumulative effect. It is further submitted that the petitioner preferred an appeal and the appellate authority, vide order dated 13.07.2026, partly allowed the appeal and reduced the penalty to withholding of two increments without cumulative effect.

(b) Learned counsel for the petitioner further submits that the petitioner had specifically sought a copy of the Joint Committee investigation report dated 23.12.2025, but the same was not supplied to him. It is contended that when the allegations were based upon the investigation undertaken by the Committee, non-supply of the said report deprived the petitioner of an effective opportunity to defend himself. Learned counsel for the petitioner further submits that the petitioner was not entrusted with the proceedings dated 20.12.2025 and that the action in question was beyond his territorial jurisdiction under Section 22 of the Drugs and Cosmetics Act, 1940. It is submitted that these aspects were specifically raised by the petitioner but have not been properly considered by the authorities. In support of his contention, he would rely upon the decision rendered by this Court in the matter of *Mohan Lal Lahri & Others v. State of Chhattisgarh & Others (WPS No.5370 of 2025, decided on 16.02.2026)*.

4. On the other hand, learned counsel appearing for the State opposes the submissions made by learned counsel for the petitioner and submits that the petitioner was duly served with the show-cause notice and was afforded reasonable opportunity to submit his reply. It is submitted that the reply submitted by the petitioner was duly considered by the disciplinary authority and thereafter the order of punishment was passed. It is further submitted that the appellate authority has also considered the appeal preferred by the



petitioner and has reduced the punishment from withholding of three increments to withholding of two increments without cumulative effect.

5. I have heard learned counsel for the parties and also perused the documents annexed with the writ petition.

6. The question which arises for consideration is whether, in the facts and circumstances of the present case, the disciplinary authority was justified in imposing the penalty of withholding of increments upon the petitioner without holding an enquiry, despite the petitioner having denied the factual allegations and having sought the material forming the basis thereof?”

7. Rule 16 of the Chhattisgarh Civil Services (Classification, Control and Appeal) Rules, 1966 (for short, “the Rules of 1966”), lays down the procedure to be followed before imposition of a minor penalty. The relevant provision reads as under:-

“16. Procedure for imposing minor penalties.- (1) Subject to the provisions of sub-rule (3) of Rule 15, no order imposing on a Government servant any of the penalties specified in clauses (i) to (iv) of Rule 10 and Rule 11 shall be made except after-

(a) informing the Government servant in writing of the proposal to take action against him and of the imputations of misconduct or misbehaviour on which it is proposed to be taken, and giving him a reasonable opportunity of making such representation as he may wish to make against the proposal;

(b) holding an inquiry in the manner laid down in sub-rules (3) to (23) of Rule 14, in every case in which the disciplinary authority is of the opinion that such inquiry is necessary;



(c) taking the representation, if any, submitted by the Government servant under clause (a) and the record of inquiry, if any, held under clause (b) into consideration;

(d) recording a finding on each imputation of misconduct or misbehaviour; ...

(e) consulting the commission where such consultation is necessary.

(1-a) xxx xxX XXX

(2) The record of the proceedings in such cases shall include-

(i) a copy of the intimation to the Government servant of the proposal to take action against him;

(ii) a copy of the statement of imputation of misconduct or misbehaviour delivered to him;

(iii) his representation, if any;

(iv) the evidence produced during the inquiry;

(v) the advice of the commission, if any;

(vi) the findings on each imputation of misconduct or misbehaviour; and

(vii) the orders on the case together with the reasons therefor."

8. Perusal of the aforesaid Rule would show that before imposing a minor penalty, the Government servant is required to be informed in writing of the proposal to take action against him and of the imputations of misconduct or misbehaviour on which such action is proposed, and is required to be afforded a reasonable opportunity of making his representation.

9. The High Court of Madhya Pradesh in the case of ***Ku. Shailja R. Jeswani Vs. State of M.P. & Ors. (2000(3) MPHT 85 (NOC)***, has held that notice cannot be construed as a proposal to take action against the petitioner with regard to imputation of misconduct and quashed the order imposing minor penalty.



10. In the case of ***Lal Audhraj Singh Lal Rampratap Singh v. State of Madhya Pradesh (1967 MPLJ 528)***, a Division Bench of the Madhya Pradesh High Court has clearly held that merely giving a notice to the Government servant saying that he is guilty of certain lapse or misconduct and asking him to show cause against the punishment of withholding of increments is not sufficient. It was observed in para 5 as under: -

"5. The petitioner's grievance that he was not given an effective opportunity of showing cause against the proposed punishment of withholding of his increments is also substantial. Under rule 55-A of the M.P. Civil Services (Classification, Control and Appeal) Rules, which were in force before 13th August 1965, such a punishment could be imposed on any Government servant only after giving him an adequate opportunity of making a representation that he desired to make and after taking into consideration such representation, if made. So also, under rule 13(1)(a) of the M.P. Civil Services (Classification, Control and Appeal) Rules, 1965, the punishment of withholding of increment can be imposed only after the Government servant is informed in writing of the proposal to take this action against him and of the allegations on which it is proposed to be taken and given an opportunity to make any representation he may wish to make and after taking into consideration such representation, if made. No doubt, it is not necessary to hold a departmental enquiry for imposing on a Government servant the punishment of withholding an increment. But he is clearly entitled to an effective opportunity of meeting the allegations on which it is proposed to withhold his increment. Merely giving a notice to the Government servant saying that he is guilty of certain lapse or misconduct and asking him to show cause against the punishment of withholding of increments is not sufficient. The Government servant must be informed of the allegations against him and the material on which



they are based. In the present case, the second notice, which was issued to the applicant on 15th April 1963, was, as stated in the return itself, on the basis of report of enquiry which was held in July 1954. A copy of that report should have been supplied to the petitioner for enabling him to meet the charge of negligence levelled against him and to show that he did not deserve any punishment."

11. Further the Supreme Court in case of ***O.K. Bhardwaj Vs. Union of India and Ors. (2001) 9 SCC 180*** has observed thus:

"3. While we agree with the first proposition of the High Court having regard to the rule position which expressly says that "withholding increments of pay with or without cumulative effect" is a minor penalty, we find it not possible to agree with the second proposition. Even in the case of a minor penalty an opportunity has to be given to the delinquent employee to have his say or to file his explanation with respect to the charges against him. Moreover, if the charges are factual and if they are denied by the delinquent employee, an enquiry should also be called for. This is the minimum requirement of the principle of natural justice and the said requirement cannot be dispensed with."

12. This Court, in WPS No.5370 of 2025, decided on 16.02.2026, while considering the provisions of Rule 16 of the Rules of 1966, has also held that where the prescribed procedure under Rule 16(1)(a) and Rule 16(1)(b) has not been followed, the order imposing minor penalty cannot be sustained. In the said case, the order imposing penalty of withholding of one increment with non-cumulative effect was accordingly quashed.

13. In the case at hand, the petitioner was served with a show-cause notice in respect of allegations concerning his conduct in the course of the



inspection/investigation proceedings. The petitioner submitted his reply dated 23.01.2026 and specifically disputed the allegations levelled against him. He also took a specific stand with regard to the proceedings dated 20.12.2025 and sought a copy of the Joint Committee investigation report dated 23.12.2025.

14. Thus, the allegations levelled against the petitioner were factual in nature and were specifically disputed by him in his reply. The petitioner had also specifically sought a copy of the Joint Committee investigation report dated 23.12.2025, which, according to him, formed the basis of the allegations. In such circumstances, non-supply of the material forming the basis of the allegations, coupled with the absence of an enquiry into the disputed factual allegations, deprived the petitioner of an effective opportunity to defend himself.

15. In the facts of the present case, therefore, mere issuance of the show-cause notice and consideration of the reply submitted by the petitioner cannot be held to constitute compliance with the principles of natural justice. Once the petitioner had specifically denied the factual allegations and had sought the material forming the basis thereof, the disciplinary authority could not have proceeded to impose the penalty without ensuring that the petitioner had an effective opportunity to meet the allegations against him.

16. In view of the aforesaid discussion and the law laid down in ***Lal Audhraj Singh Lal Rampratap Singh (supra)***, ***O.K. Bhardwaj (supra)*** and the decision of this Court in **WPS No.5370 of 2025**, the impugned order of punishment dated 11.02.2026 cannot be sustained.



17. For the foregoing discussions and the decisions referred to above, this writ petition is allowed. The impugned order of punishment dated 11.02.2026 as well as the appellate order dated 13.07.2026 are hereby **quashed**.

18. As this Court has allowed the writ petition on the ground of non-compliance with the procedure prescribed under Rule 16 of the Rules of 1966, the respondent authorities will be at liberty to initiate fresh proceedings against the petitioner, if so advised, following due process of law.

SD/-

(Bibhu Datta Guru)
Judge

Rahul