



2026:CGHC:12777



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 6928 of 2024**

- Kamlakant (K.K.) Pandey S/o Late Shri R.P. Pandey Aged About 64 Years R/o Mig- 86, Phase No. -2, Rp Nagar, Korba, Police Station - City Kotwali, Tahsil And District Korba, Chhattisgarh.

... Petitioner**versus**

1. State Of Chhattisgarh Through Its Secretary, Department Of Home/police, Mahanadi Bhavan, Mantralaya, Police Station And Post - Rakhi, Atal Nagar, Nawa Raipur, District Raipur, Chhattisgarh.
2. Director General Of Police (DGP), Police Headquarters (Phq), Sector- 19, Police Station And Post - Rakhi, Atal Nagar, Nawa Raipur, District Raipur, Chhattisgarh.
3. Inspector General Of Police (IGP), Office Of Inspector General Of Police, Bilaspur Range, Near Nehru Chowk, District - Bilaspur, Chhattisgarh.
4. Superintendent Of Police (SP), Office Of Superintendent Of Police, Korba, District Korba, Chhattisgarh.

... Respondents

For Petitioner	:	Mr. Abhishek Pandey, Advocate with Mr. Rishabhdev Sahu, Advocate
For Respondents -State	:	Mr. Lav Sharma, Panel Lawyer

SB: Hon'ble Shri Parth Prateem Sahu, Judge**ORDER ON BOARD****17/03/2026**

1. Petitioner has filed this writ petition seeking following reliefs:

“10.1 That this Hon'ble Court may kindly be pleased to call for the entire records concerning the case of the petitioner from the possession of the respondent authorities for its kind perusal.



(ii) That this Hon'ble Court may kindly be pleased to set-aside/quashed the impugned punishment order dated 14.02.2022 passed by Respondent No. 3, IGP, Bilaspur Range (Annexure P/4).

(iii) That this Hon'ble Court may kindly be pleased to set-aside /quashed the impugned Appellate order dated 28.11.2022 passed by Respondent No. 2 DGP, PHQ, Raipur (Annexure P/10).

(iv) That, this Hon'ble Court may kindly be pleased to direct the Respondent Authorities to refund the whole deducted amount to the petitioner which has been deducted due to impugned punishment order dated 14.02.2022 and also give the benefit of increment which has been also withheld due to punishment order dated 14.02.2022.

(v) That, this Hon'ble Court may kindly be pleased to direct the respondent authorities to give promotional benefit to the petitioner on next higher post.

(vi) That this Hon'ble Court may also kindly be pleased to grant suitable compensation to the petitioner from the respondent-authorities for the mental and physical hardships suffered by him without there being any fault on his part and also grant cost of the petition."

2. Learned counsel for the petitioner submits that petitioner while holding the post of Inspector (Admn.) and posted under Respondent No. 4 was imposed penalty of withholding one increment with non-cumulative effect for a period of one year. Before imposing penalty vide Annexure P-1, Respondent No. 3 has not issued any show-cause notice to petitioner as to why disciplinary action be not taken against him or punishment be imposed and therefore the order of imposing punishment Annexure P-4 is in violation of principles of natural justice. He next contended that the document which is relied upon by the State counsel showing preliminary enquiry done is behind the back of petitioner. Copy of enquiry report is also not serviced upon petitioner and



therefor entire proceeding initiated by the respondents-authorities for imposing punishment against petitioner vide Annexure P-4 being in violation of principles of natural justice, without affording opportunity of hearing, is bad in law. In support of his contention, he places reliance upon the decision passed by this Court in **WPS No. 5370 of 2025 (Mohan Lal Lahri and others vs. State of Chhattigarh and others)** passed on 16.02.2026.

3. On the other hand, learned State counsel opposes the submission of leaned counsel for petitioner and would submit that based on the preliminary enquiry, show-cause notice was issued by Respondent No. 4 asking the petitioner to submit reply. Petitioner submitted reply, which was found to be non-satisfactory and thereafter proposal was made by Respondent No. 4 and forwarded to Respondent No. 3 for initiating disciplinary proceedings against petitioner or to impose punishment and accordingly based on the letter proposing the disciplinary proceedings/ imposing punishment, Respondent No. 3 has passed order Annexure P-4 on 14.02.2022 and therefore the submission of learned counsel for petitioner that petitioner was not afforded opportunity of being heard nor any show-cause notice was issued, is not correct in view of the documents filed along with writ petition as also reply filed by him.
4. I have heard learned counsel for the parties and also perused the documents placed on record.
5. The main grievance of petitioner in this case is that petitioner was imposed punishment of withholding one increment with non-cumulative effect for a period of one year is without initiation of any departmental enquiry proceedings against him or without issuance of notice in this regard.
6. It is case of petitioner that only a letter was issued to petitioner asking for the explanation from the petitioner on the fact, forming part of the letter dated 07.09.2021. Petitioner had submitted reply to the letter dated 07.09.2021 and



13.01.2022. Respondent No. 4 who issued the letter seeking explanation is not a disciplinary authority in the facts of the case where the petitioner is holding the post of Inspector, but it is Respondent No. 3. Respondent No. 4 based on the reply to the letter seeking explanation and the reply submitted by Deputy Superintendent of Police has forwarded a letter Annexure R/2 dated 29.01.2022 proposing initiation of disciplinary proceedings or to impose punishment against petitioner. Document Annexure R-1 which is filed along with reply is a report submitted by Deputy Superintendent of Police to Respondent No. 4. Contents of this report would also show that in that proceedings also petitioner did not participate. If the disciplinary authority i.e., Respondent No. 3 found it appropriate to accept proposal forwarded by Respondent No. 4 then prior to imposing punishment, minimum which is required is to issue show-cause notice, levelling charges proposing that if satisfactory reply is not received then the disciplinary action be taken or punishment to be imposed. If reply to show-cause notice was not found satisfactory then to issue charge memo. This notice is not issued by Respondent No. 3 to petitioner levelling charges against petitioner.

7. In the aforementioned facts of the case, the order imposing punishment, Annexure P-4, *prima facie* appears to be without issuance of notice, levelling charges against petitioner with proposing initiation of disciplinary proceedings or to impose punishment, in the opinion of this Court, is in violation of principles of natural justice.
8. Rule 10 of the Chhattisgarh Civil Services (Classification Control and Appeal) Rules, 1966 (for short "Rules of 1966") provides for penalty which is reproduced as under:

"10. Penalties. The following penalties may, for good and sufficient reasons and as hereinafter provided, be imposed on a Government servant, namely:-

Minor penalties:-

(i) Censure;



- (ii) Withholding of his promotion;
- (iii) recovery from his pay of the whole or part of any pecuniary loss caused by him to the Government by negligence or breach of order;
- (iv) withholding of increments of pay or stagnation allowance;"

9. Rule 16 of the Rules of 1966 envisages procedure for imposing minor penalty

which is also reproduced hereunder:-

“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; and
- (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.”

10. Perusal of aforementioned Rule 16 would show that under Rule 16 (1) (a), it is provided in categorical terms that after imputation of misconduct or misbehaviour on which action is proposed to be taken which has an effect of imposing of penalty without serving a charge sheet on delinquent, without giving him reasonable opportunity to defend, is prohibited.
11. The High Court of Madhya Pradesh in the case of **Ku. Shailja R. Jeswani Vs. State of M.P. & Ors.** reported in [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.
12. In the case of **Lal Audhraj Singh Lal Rampratap Singh v. State of Madhya Pradesh** reported in (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."

13. Hon'ble Supreme Court in case of **O.K. Bhardwaj vs. Union of India and**

Ors. reported in **(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."



14. In the case at hand, petitioner has been served only with a letter dated 07.09.2021 asking explanation from the petitioner and thereafter nothing has been done and the impugned order imposing punishment of withholding of one increment with non-cumulative effect has been passed and he has not been served with imputations of misconduct or misbehaviour on which action is proposed to be taken under Rule 16 (1) (a) of the Rules of 1966. Further, there is complete non-compliance of Rule 16 (1) (b) of the Rules of 1966 as no opinion has been formed by the disciplinary authority as to why inquiry is not necessary.
15. In the aforementioned facts of the case and the discussion made above, in the opinion of this Court, the procedure which is required to be followed by the respondents-authorities as provided under the Rules of 1966 has not been followed and therefore the order Annexure P-4 dated 14.02.2022 is not sustainable in the eye of law and accordingly it is hereby quashed.
16. At this stage, learned counsel for petitioner submits that petitioner stood retire in the year 2022 and as of now he is aged about 66 years.
17. Considering the facts and circumstances of the case and the submission made by learned counsel for petitioner, I do not find it appropriate to direct the respondents-authorities for initiation of fresh proceedings even if the order imposing punishment has been quashed on technical grounds.

Sd/-

(Parth Prateem Sahu)
Judge