



2026:CGHC:9913



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 11608 of 2025

1 - Sangeeta Netam D/o Shri Gopichand Netam Aged About 47 Years R/o Ashok Nagar, Behind Pump House, Sarkanda, Lingiyadih, Bilaspur, Chhattisgarh- 495006, Presently Posted As Head Constable At District Bilaspur, C.G.

... Petitioner

Versus

1 - State Of Chhattisgarh Through Principal Secretary, Home Dept. (Police) Mantralaya, Mahanadi Bhawan, Naya Raipur, Atal Nagar, Distt. Raipur, C.G.

2 - Director General Of Police Police Head Quarter, Naya Raipur, Atal Nagar, Distt. Raipur, C.G.

3 - Inspector General Of Police Bilaspur Range I.G. Office, Bilaspur Range, C.G., District Bilaspur, C.G.

4 - Superintendent Of Police Bilaspur District Bilaspur, C.G.

... Respondents

For Petitioner : Mr. Ankit Pandey, Advocate

For Respondents/State : Ms. Shailja Shukla, Government Advocate

SB: Hon'ble Shri Parth Prateem Sahu, Judge

ORDER ON BOARD

25/02/2026

1. Petitioner has filed this writ petition raising ground that the petitioner who was working as Head Constable was subjected to departmental enquiry by common proceedings of the departmental enquiry along with one



Inspector namely, Faizul Hooda Shah. He contended that the order for the common proceedings has been issued under the signature of the Inspector General of Police on 08.04.2025 vide Annexure P/1, common charge-sheet has also been issued and has prayed for following reliefs:-

"10.1 That, this Hon'ble Court may kindly be pleased to issue an appropriate writ, order or direction in the nature of certiorari, quashing and setting aside the impugned charge- sheet dated 10.04.2025 issued by Respondent No. 4, Senior Superintendent of Police, Bilaspur, the approval/letter dated 08.04.2025 issued by the Inspector General of Police, Bilaspur Range, and the subsequent order dated 30.06.2025 appointing the Enquiry Officer, as being wholly without jurisdiction, coram non judice, arbitrary, and violative of Rule 18 of the Chhattisgarh Civil Services (CCA) Rules, 1966..

10.2 That, this Hon'ble Court may kindly be pleased to declare and hold that in the absence of sanction/approval of the Director General of Police, who alone is competent authority under Rule 18 of the CCA Rules, 1966, to sanction common proceedings against the Petitioner (Head Constable) and the co-delinquent Inspector, the very initiation of the joint enquiry is ultra vires, void ab initio, and non est in law.

10.3 That, this Hon'ble Court may kindly be pleased to issue an appropriate writ, order or direction in the nature of prohibition, restraining the Respondents, their officers, subordinates, and agents from proceeding further with or giving effect to the impugned departmental enquiry initiated against the Petitioner pursuant to the illegal approval dated 08.04.2025, charge-sheet dated 10.04.2025, and order dated 30.06.2025.

10.4 That, this Hon'ble Court may kindly be pleased to declare and hold that the impugned charge-sheet is vitiated by vagueness and indefiniteness, in contravention of Rule 14(3) of the CCA Rules, 1966, and that the perfunctory preliminary enquiry preceding the charge-sheet is contrary to the GAD Circulars dated 28.06.1961 and 18.10.1967 and violative of the principles of natural justice.

10.5 That, this Hon'ble Court may kindly be pleased to further declare and hold that the impugned proceedings are arbitrary, disproportionate, and unsustainable in law, inasmuch as the allegations against the Petitioner relate only to minor procedural aspects of investigation, duly considered by the Prosecution Branch and approved by superior officers before filing of charge-sheet



under Section 173 Cr.P.C., and do not constitute misconduct.

10.6 That, this Hon'ble Court may kindly be pleased to pass such other and further order(s) or grant such relief(s) as this Hon'ble Court may deem fit, just and proper in the facts and circumstances of the present case, in the interest of justice"

2. Learned counsel for the petitioner would submit that the petitioner at that relevant point of time was holding the post of Head Constable and the other co-employee who is also charge-sheeted and is proceeding along with the petitioner in common proceedings is holding the post of Inspector from whom, the appointing authority is Director General of Police and therefore, the order for common proceedings against the two employees where one is Head Constable and the other is Inspector could have been passed only by the Director General of Police and not by any of the officer below his rank.
3. He contended that under Rule 18 of the Chhattisgarh Civil Services (Classification, Control and Appeal) Rules, 1966 (*hereinafter for brevity referred to as the Rules, 1966*), it is clearly provided that the common proceedings can be ordered only by the Governor or any other authority competent to impose penalty of dismissal from service of any such government servant. In the case at hand, one of the employee who is also a delinquent employee in common proceedings is holding the post of Inspector and according to the order of promotion as of the petitioner from Sub-Inspector to Inspector, the order has been issued from the Office of the Director General of Police and therefore, the appointing authority is Director General of Police and not the Inspector General of Police.
4. It is further contended that as the order to proceed common against the petitioner and the other co-employee i.e. Inspector Faizul Hooda Shah is not passed by the Director General of Police, the entire departmental enquiry is vitiated under the eyes of law and therefore, the charge-sheet



and the departmental enquiry pending against the petitioner is to be quashed. In support of his contention, he relies upon the decision in the case of ***'Laxmi Narayan Pandey Vs. State of Madhya Pradesh & Ors.'*** reported in ***WP (S) No. 875/2005***, ***'Ghasiram Kosariya Vs. State of Madhya Pradesh & Ors.'*** reported in ***WP (S) No. 645/2005***, ***'Shyamkant Tiwari Vs. State of Madhya Pradesh & Ors.'*** reported in ***Misc. Petition No. 233/1983***, ***'Naryan Singh Lange Vs. State of Madhya Pradesh & Ors.'*** reported in ***WP (S) No. 3920/2005*** and other connected matters and ***'Alexius Minj Through Lrs. As per Hon'ble Court and Ors. Vs. State of Chhattisgarh Through Secretary & Ors.'*** reported in ***WP (S) No. 821/2014***.

5. On the other hand, learned counsel for the Respondents/State vehemently opposes the submission of counsel for the petitioner and submit that the stand taken in the writ petition that the appointing authority of the Inspector is the Director General of Police is not correct. She submits that the services of the co-employee is governed by the Chhattisgarh Police Executive (Non-Gazetted) Service Recruitment Rules, 2021 (*hereinafter for brevity referred to as the Rules, 2021*). In Schedule I of the Rules, 2021, the services of the employee i.e. Inspector, it is clearly provided that the appointing authority for the post of Inspector is Inspector General of Police and the order to proceed common against the petitioner and the Inspector is passed by the Inspector General of Police and therefore, there is no infirmity or illegality on the part of the respondent authorities in issuing an order dated 08.04.2025 (Annexure P/1) to proceed common against the two employees one of which is Inspector.
6. I have heard learned counsel for the parties and perused the documents placed on record.



7. Challenge in this writ petition is to the permission/sanction granted by the Inspector General of Police vide order dated 08.04.2025 (Annexure P/1) for common departmental enquiry proceedings against the petitioner (Head Constable) and one Faizul Hooda Shah (Inspector) under Rule 18 of the Rules, 1966. Rule 18 of the Rules, 1966 in the facts of the case is relevant and therefore, it is extracted below for ready reference:-

18. Common proceedings.

(1)Where two or more Government servants are concerned in any case, the Governor or any other authority competent to impose the penalty of dismissal from service on all such Government servants may make an order directing that disciplinary action against all of them may be taken in a common proceeding :

Note. - If the authorities competent to impose the penalty of dismissal on such Government servants are different, an order for taking disciplinary action in a common proceeding may be made by the highest of such authorities with the consent of the others :

[Provided that the powers conferred on the Governor under this rule shall in case of Judicial Officers, be exercised by the Chief Justice.] [Added by Notification No. 06-3-98-3-I, dated 20th May, 1998.]

(2)Subject to the provisions of sub-rule (3) of Rule 12, any such order shall specify :

(i)the authority which may function as the disciplinary authority for the purpose of such common proceeding;

(ii)the penalties specified in Rule 10 which such disciplinary authority shall be competent to impose; and

(iii)whether the procedure laid down in Rule 14 and Rule 15 or Rule 16 shall be followed in the proceeding.

Rule 18 deals with common proceedings and under sub-rule (1) of Rule 18, it provides that when two or more government servants are concerned, in any case, the authority competent to impose the penalty of dismissal from service of such government servants may make an order that disciplinary action against two or more of them may be taken in common proceedings.



8. The submission of counsel for the petitioner in sum and substance is that one of the employee who is to be proceeded along with the petitioner (Head Constable) is holding the post of Inspector and therefore, the competent authority for passing an order granting permission for common proceedings against both will be the Director General of Police because, the Director General of Police is the appointing authority of Inspectors and competent to impose penalty of dismissal. The order (Annexure P/1) for initiating common proceeding is passed on 08.04.2025 and therefore, the rules prevailing with regard to services of the petitioner on the date of granting sanction/permission would apply to the facts of the case. The Respondents/State in their reply and the submission before this Court has taken a stand that the services of the co-employee holding the post of Inspector is governed with the Rules, 2021. It is also the submission of counsel for the Respondent/State that under Schedule I of the Rules, 2021 appointing authority for Inspector is mentioned as Inspector General of Police in serial no. 1 of Schedule I and therefore, the Inspector General of Police is competent to pass an order of dismissal and therefore, the order dated 08.04.2025 (Annexure P/1) is in consonance with Rule 18 (1) of the Rules, 1966.
9. Petitioner also has filed rejoinder to the reply submitted by the State, but have not disputed that the services of the Inspector (co-employee) is governed by Rules, 2021, but have only pleaded that the Respondents/State has not placed on record, the entire Rules, 2025 and further, pleaded that the respondent have purposefully not enclosed the portion of Rule 15 and Schedule IV.
10. Rule 15 talks of appointment by promotion, it only talks about the procedure for appointment by promotion. Rule 6 of Rules, 2021 talks about the method of recruitment. Sub-rule 1 (a) of Rule 6 envisages about direct recruitment through competitive examination or selection. Sub-rule



(1) (b) provides for recruitment by promotion of such member of service as are specified in Column No. 2 of Schedule IV. Sub-rule 1 (c) provides for recruitment by transfer of persons who hold in a substitutive capacity such posts in such services as may be specified in this behalf. Rule 6 provides for modes of recruitment under the Rules, 2021 which is either by direct recruitment or promotion or by transfer of persons etc.

11. Schedule II of the Rules, 2021 provides for the appointment/recruitment of Inspector which is by 100% promotion. Schedule IV which is referred by the counsel for petitioner during the course of argument is also in rejoinder, provides for the feeder cadre posts, promotional posts and the member of the Departmental Promotion Committee. The Chairman of the DPC is Inspector General of Police. From Rule 6 and Schedule II, it is apparent that the post of Inspector is 100% promotional post and the feeder post is Sub-Inspector. Schedule I of the Rules, 2021 provides for the appointing authority and for the post of Inspector, it is Inspector General of Police. In view of the specific provision under Rules, 2021; the submission of counsel for petitioner that appointing authority for the post of Inspector is Director General of Police is not sustainable. The main thrust of the petitioner in this writ petition is that as the appointing authority for Inspector in the State police is Director General of Police and therefore, the order of sanction/permission for common proceedings under Rule 18 (1) of the Rules, 1966 could have been passed only by the Director General of Police which in view of the provisions under Rules, 2021 is not sustainable. Accordingly, the said submission of counsel for the petitioner is repelled.

12. Further, the decision which is relied upon by the counsel for petitioner in support of his contention in the case of **Laxmi Narayan Pandey (Supra)**, **Ghasiram Kosariya (Surpa)**, **Shyamkant Tiwari (Supra)**, **Naryan Singh Lange (Supra)**, **Alexius Minj (Supra)** are decisions based on the rules



prevailing at that relevant point of time which are prior to the year 2021 i.e. prior to coming into force of Rules, 2021 and therefore, in the facts of the case, the decisions relied upon by the petitioner will be of no help to him, because under Rules, 2021 by which, the services of the co-employee (Inspector) is now governed envisages Inspector General of Police to be the appointing authority for Inspectors and therefore, the order dated 08.04.2025 (Annexure P/1) granting sanction/permission for common proceedings under Rule 18 of the Rules, 1966 cannot be said to be erroneous.

13. For the foregoing discussion and observation, I do not find any merit in this writ petition. Accordingly, it is liable to be and is hereby **dismissed**.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

Dey