



2026:CGHC:10451-DB



2026:CGHC:10451-DB

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WA No. 59 of 2026**

1. District Jude Raipur District Raipur Chhattisgarh (Original Respondent No. 1)
2. High Court of Chhattisgarh Through Registrar General At Bilaspur Chhattisgarh.(Original Respondent No. 2)

... Appellant(s)**versus**

1. Pitambar Bagh S/o Late Shri Satrugan Bagh Aged About 54 Years Reader Grade 1, District Court District Raipur Chhattisgarh (Original Petitioner)
2. State of Chhattisgarh Through Principal Secretary Law, Mahanadi Bhawan, Naya Raipur District Raipur Chhattisgarh (Original Respondent No. 3)

...Respondent(s)

(Cause-title taken from Case Information System)

For Appellants	:	Mr. Ranbir Singh Marhas, Advocate.
For Respondent/State	:	Mr. S.S. Baghel, Government Advocate.



Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Bibhu Datta Guru, Judge

Judgment on Board

Per Ramesh Sinha, Chief Justice

28.02.2026

1. Heard Mr. Ranbir Singh Marhas, learned counsel for the appellants. Also heard Mr. S.S. Baghel, learned Government Advocate appearing for the State/respondent No. 2. The State submits that it is only a formal party in the present appeal, as no specific relief has been claimed against it.

2. The present intra-Court appeal has been preferred by the appellants (respondents No. 2 and 3 in the writ petition) challenging the order dated **19.11.2025** passed by the learned Single Judge in **WPS No. 1069 of 2023 (Pitambar Bagh vs. District Judge, Raipur & Others)**, whereby the writ petition filed by respondent No. 1 herein came to be allowed.

3. Learned counsel for the appellants submits that no substantive relief was sought against the State of Chhattisgarh in the original writ petition. However, since the State was arrayed as a party therein, it has been impleaded as a formal respondent in the present appeal also. It is reiterated that no relief is claimed against the State in this appeal.

4. The case of the appellants, in brief, is that respondent No. 1/writ petitioner was initially appointed as Assistant Grade–III in the District



Court Establishment on 17.08.1990. At the relevant time, he was working as Reader Grade–II in the pay scale of Rs. 5200–20200/- with Grade Pay of Rs. 2500/-. A departmental enquiry was instituted against him on account of missing Court records in Complaint Case No. 11818/2014 titled *Chandra Jain vs. Singh*. Upon conclusion of the enquiry, the District Judge, Raipur, by order dated 20.10.2020, imposed the penalty of withholding of two annual grade increments with cumulative effect under Rule 10(4) of the Chhattisgarh Civil Services (Classification, Control and Appeal) Rules, 1966 (for short, “Rules of 1966”). During pendency of the enquiry, his case for promotion was kept in a sealed cover.

5. Being aggrieved by the punishment order dated 20.10.2020, respondent No. 1 preferred a departmental appeal before the Registrar General of the High Court. The appellate authority, by order dated 28.07.2022, set aside the punishment order. Thereafter, respondent No.1 submitted a representation dated 05.08.2022 seeking promotion retrospectively from 05.09.2020, the date on which his juniors were promoted, along with consequential benefits including pay fixation and seniority. Subsequently, by order dated 05.11.2022, he was promoted to the post of Reader Grade–I in the pay scale of Rs. 9300–34800/- with Grade Pay of Rs. 4300/-, and he assumed charge on 09.11.2022. However, his request for retrospective promotion was rejected by order dated 10.01.2023.

6. Challenging the rejection order dated 10.01.2023, respondent



No.1 filed WPS No. 1069 of 2023. The learned Single Judge, upon consideration of the pleadings and material on record, allowed the writ petition holding that once the punishment order dated 20.10.2020 had been set aside by the appellate authority, nothing adverse survived against the writ petitioner. Consequently, he was held entitled to promotion from the date his juniors were promoted, i.e., 05.09.2020, along with all consequential benefits including 3rd Higher Pay Scale.

7. The principal contention of learned counsel for the appellants before this Court is that the appellate order dated 28.07.2022 did not record a finding of honourable exoneration or complete innocence and merely set aside the punishment. It is contended that in absence of a clear finding of exoneration, the writ petitioner was not entitled to retrospective promotion. Reliance has been placed upon the decision of the Hon'ble Supreme Court in ***Union of India vs. K.V. Jankiraman***, reported in ***AIR 1991 SC 2010***, to submit that retrospective promotion and consequential benefits are not automatic.

8. We have carefully considered the submissions advanced by learned counsel for the appellants and perused the material available on record.

9. The law laid down in ***K.V. Jankiraman*** (supra) makes it clear that where the sealed cover procedure is adopted and the employee is subsequently exonerated, the sealed cover is required to be opened and if the employee is found fit by the Departmental Promotion Committee, he is entitled to promotion from the date his immediate



junior was promoted. The Hon'ble Supreme Court has further clarified that payment of arrears of salary would depend upon the facts and circumstances of each case and is not automatic.

10. In the present case, it is not in dispute that the punishment order dated 20.10.2020 was set aside by the appellate authority. Once the punishment order stood annulled, the very basis for withholding the promotion of respondent No. 1 ceased to exist. The effect of setting aside the punishment order is that it is rendered non est in the eyes of law. In absence of any subsisting adverse order or finding, there remained no impediment in granting him promotion from the date his juniors were promoted.

11. The contention of the appellants that there was no "honourable exoneration" cannot be accepted in the facts of the present case. The appellate authority did not remand the matter nor did it sustain the findings of guilt while modifying the penalty. The punishment order was set aside in its entirety. Therefore, for all practical purposes, no penalty survived against the respondent No. 1/writ petitioner. In such circumstances, denial of retrospective promotion would amount to perpetuating the adverse consequences of a punishment which no longer exists.

12. The learned Single Judge has rightly appreciated that after passing of the appellate order dated 28.07.2022, nothing survived against the respondent No. 1/writ petitioner. The rejection order dated 10.01.2023 failed to assign sustainable reasons for denying him



promotion from 05.09.2020, particularly when his juniors had already been promoted and the sealed cover procedure was adopted solely due to pendency of the disciplinary proceedings.

13. As regards grant of arrears and consequential benefits including 3rd Higher Pay Scale, the learned Single Judge has exercised jurisdiction in accordance with the principles laid down in **K.V. Jankiraman** (supra). Once the writ petitioner is held entitled to promotion from the date his juniors were promoted, fixation of pay and other service benefits are consequential in nature. The grant of such benefits does not suffer from any legal infirmity.

14. In view of the foregoing discussion, we are of the considered opinion that the learned Single Judge has committed no error of law or fact warranting interference in this intra-Court appeal. The findings recorded are well-reasoned, based on settled legal principles, and supported by the material on record.

15. Accordingly, the writ appeal being devoid of merits is hereby dismissed. The order dated 19.11.2025 passed by the learned Single Judge in WPS No. 1069 of 2023 is affirmed. No order as to costs.

Sd/-
(Bibhu Datta Guru)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice