



CGHC010108182017



2026:CGHC:34830

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 1179 of 2017**

1 - Dudhnath Barle (Died) Through Legal Heirs- As Per Honble Court Order
Dated **02-08-2023.**

1.1 - 1.A Ku. Ravikanta Barle D/o Late Dudhnath Barle Aged About 33 Years R/o Ward No. 59, Stanamipara, Katulbod, Post S.F. Line, Bhilai, District-
Durg, C.G.

1.2 - 1.B Ku. Veena Barle D/o Late Dudhnath Barle Aged About 28 Years R/o Ward No. 59, Stanamipara, Katulbod, Post S.F. Line, Bhilai, District-
Durg, C.G.

1.3 - 1.C Pravin Barle S/o Late Dudhnath Barle Aged About 26 Years R/o Ward No. 59, Stanamipara, Katulbod, Post S.F. Line, Bhilai, District-
Durg, C.G.

... Petitioner(s)**versus**

1 - State Of Chhattisgarh Through The Secretary Department Of Home Affairs, Mahanadi Bhawan, Mantralaya, Post And P S Mandir Hasaud, Raipur
Chhattisgarh, Chhattisgarh

2 - Director General Of Police, Police Head Quarters, Raipur
Chhattisgarh, District : Raipur, Chhattisgarh

3 - Inspector General Of Police Chhattisgarh Armed Force- 1 Appellate Authority Police Headquarters, Raipur Chhattisgarh, District : Raipur, Chhattisgarh

4 - The Commandant, 1st Battalion, C. G. Armed Force, Bhilai District
Durg Chhattisgarh, District : Durg, Chhattisgarh

... Respondent(s)

For Petitioner	:	Mr. Varun Sharma, Advocate
For State	:	Mr. Anil Pandey, G.A.

Hon'ble Shri Justice Rakesh Mohan Pandey
Order On Board

7.8.2026

1) By way of this petition, petitioner has sought following reliefs:-

- i. To kindly call for the records of the case from the respondents.
- ii. To kindly quash the appellate order dated 28/11/2016 (Annexure P/1) and the punishment of removal from service imposed vide order dated 25/09/2015.
- iii. To kindly direct the respondents to reinstate the petitioner in service as Constable with full back wages and other consequential reliefs.
- iv. To kindly direct the respondents to make payment of admissible dues within a prescribed time frame fixed by this Hon'ble Court.
- v. To kindly make any other order that may be deemed fit and just in the facts and circumstances of the case including awarding of the costs to the petitioner.

2) Facts of present case are that petitioner namely Dudhnath Barle (now deceased) who was working on the post of Constable under respondent department, was inflicted with penalty of removal from service by Commandant, 1st Battalion, CAF vide order dated 25.9.2015 and the said order was communicated to the petitioner on 31.5.2016. Aggrieved by the said order, petitioner preferred departmental appeal on 9.6.2016 raising therein various grounds but Inspector General Of Police, Chhattisgarh Armed Force i.e. appellate authority decided the earlier representation made by the petitioner dated 5.2.2026 treating it as an appeal vide order dated 28.11.2016.

- 3) Learned counsel for the petitioner submits that being aggrieved by the removal order, petitioner preferred departmental appeal raising therein various grounds but the authority concerned decided the earlier representation made by the petitioner on 5.2.2016 treating it as an appeal. He further submits that petitioner had earlier made a simple representation wherein departmental proceedings were challenged thus the order impugned is per se illegal. He also submits that a direction may issued to the appellate authority to decide the memo of appeal preferred by the petitioner on 9.6.2016 and decide the same strictly in accordance with law.
- 4) On the other hand, learned State counsel submits that penalty of removal was inflicted upon the petitioner on 25.9.2015 and immediately thereafter, he made a representation questioning the penalty. He further submits that since the appellate authority decided the representation preferred by the petitioner vide order dated 28.11.2016 therefore there was no occasion for the authority concerned to decide the subsequent memo of appeal preferred by the petitioner wherein similar grounds were raised. He also submits that this petition is misconceived and liable to be dismissed.
- 5) I have heard learned counsel for the parties and perused the material available on record.
- 6) Perusal of the representation moved by the petitioner dated

5.2.2016 would show that petitioner had questioned the departmental proceeding and proper grounds were not raised therein whereas in the memo of appeal preferred on 9.6.2016, petitioner has impugned the order of penalty dated 25.9.2015 and raised various grounds. It appears that in the impugned order, appellate authority has not considered the grounds raised in the memo of appeal therefore in my opinion, the order dated 28.11.2016 is bad in law and is hereby quashed.

7) The appellate authority is directed to the consider the departmental appeal preferred by the petitioner strictly in accordance with law and communicate the decision to the legal representatives of the government servant expeditiously.

8) Accordingly, this petition stands **disposed**.

Sd/-
(Rakesh Mohan Pandey)
JUDGE

Aj i n k y a

Digitally signed by AJINKYA PANSARE Date: 2026.08.10 17:25:24 +0530
