



CGHC010136792026



2026:CGHC:36175-DB

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HIGH COURT OF CHHATTISGARH AT BILASPUR

WA No. 753 of 2026

R. K. Dhruv S/o Late Shri Kuwar Singh Dhruv Aged About 51 Years
Posted As Chief Executive Officer, Magariodh, District Dhamtari, C.G.

... Appellant

versus

1 - State of Chhattisgarh Through Department of Panchayat And Rural
Development Mahanadi Bhawan Atal Nagar, District Raipur C.G.

2 - The Development Commissioner, Panchayat And Rural
Development Department Raipur District Raiupr C.G.

... Respondents

For Appellant	: Mr. Anup Mazumdar, Senior Advocate assisted by Mr. Harsh Tripathi, Advocate
For Respondents/ State	: Mr. Praveen Das, Addl. Adv. General

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Ravindra Kumar Agrawal, Judge

JUDGMENT ON BOARD

Per Ramesh Sinha, Chief Justice

14.08.2026

1. Heard Mr. Anup Mazumdar, learned Senior Advocate assisted by
Mr. Harsh Tripathi, learned counsel for the appellant. Also heard
Mr. Praveen Das, learned Additional Advocate General, appearing
for the State/ respondents on I.A. No. 02 of 2026, which is an

application for condonation of delay of 45 days in preferring the instant appeal.

2. After hearing learned counsel for the parties and considering the reasons mentioned in the application, we are of the considered opinion that sufficient cause has been shown in the application and accordingly, I.A. No. 02 of 2026 is allowed and delay of 45 days in filing the appeal is condoned.
3. With the consent of learned counsel for the parties, the appeal is heard finally.
4. By way of present writ appeal under Section 2 of Sub-Section (1) of the Chhattisgarh High Court (Appeal to Division Bench) Act, 2006, the appellant / writ petitioner has challenged the impugned order dated 29.08.2025 passed in WPS No. 5981/2019 and order dated 02.01.2026 passed in REVP No. 404/2025 by the learned Single Judge, whereby the writ petition as well as the review petition filed by the writ petitioner/ appellant herein have been dismissed by the learned Single Judge.
5. Brief facts, necessary for disposal of this appeal, are that the writ petitioner / appellant here was posted as Chief Executive Officer, Janpad Panchayat Magarlodh, Dhamtari. Earlier he was posted as Chief Executive Officer, Koilibeda, Kanker in the year 2007 and during that period allegation was levelled against him with regard to financial irregularities and departmental enquiry was initiated against him, in which, the appellant was held guilty and vide

impugned Order dated 10.07.2019, he has been inflicted penalty of 'dismissal from service' under Rule 10(8) of the Chhattisgarh Civil Services (Classification, Control and Appeal) Rules, 1966 (for short 'the Rules 1966'), against which, the petitioner has preferred writ petition before this Court being WPS No. 5981 of 2019. The said writ petition was disposed of by the learned Single Judge vide impugned order dated 29.08.2025, thereby setting aside the impugned termination order dated 10.07.2019 on the ground that the recommendation of Public Service Commission was never supplied to the petitioner before passing of termination order dated 10.07.2019 and further remanded the matter back to the State authorities to conduct the departmental enquiry and proceed afresh from the stage that they referred the matter to the Public Service Commission for consultation and taking a fresh decision in accordance with law after compliance with Rule 32 of the Chhattisgarh Civil Services (Classification, Control and Appeal) Rules, 1966 (for short 'the Rules, 1966'), against which the appellant has preferred review petition being REVP No. 404/2025, which was dismissed by the learned Single Judge vide impugned order dated 02.01.2026 finding no error apparent in the impugned order passed in writ petition. Being aggrieved by the same, the instant appeal has been preferred by the appellant.

6. Learned Senior Advocate appearing for the appellant would submit that although the learned Single Judge has set aside the order of dismissal dated 10.07.2019 on the ground that the

recommendation of the Public Service Commission was not supplied to the appellant before passing the order of punishment, the learned Single Judge erred in remanding the matter to the departmental authorities for proceeding afresh. It is contended that non-supply of the recommendation of the Public Service Commission, which was obtained at the stage of consideration of the proposed major penalty, deprived the appellant of a meaningful and effective opportunity of hearing and constitutes violation of Rule 32 of the Rules, 1966 and the principles of natural justice. Learned counsel would place reliance upon **State of Rajasthan & Others v. Bhupendra Singh, Civil Appeal Nos.8546-8549 of 2024**, and submit that where the report/recommendation of the Public Service Commission is required to be furnished to the delinquent employee before the final decision, such requirement has to be meaningfully complied with. He further submits that, unlike the facts considered by the Supreme Court in *Bhupendra Singh* (supra), in the present case the recommendation of the Commission was never supplied to him before the dismissal order was passed and, therefore, the defect in the decision-making process goes to the root of the matter. Learned counsel would further submit that the learned Single Judge, having already found violation of the mandatory procedure and principles of natural justice, ought to have granted final relief instead of permitting the respondents to revive the disciplinary proceedings after an inordinate lapse of time. The

allegations relate to the year 2007, the dismissal order was passed in 2019, and the writ petition itself was decided only in 2025. Remanding the matter for a fresh exercise would cause serious prejudice to the appellant and perpetuate the disciplinary proceedings indefinitely. It is, therefore, submitted that the learned Single Judge ought to have quashed the disciplinary proceedings and granted consequential relief to the appellant instead of remanding the matter. Accordingly, he prays that the impugned orders dated 29.08.2025 and 02.01.2026 be modified/set aside to the extent they permit fresh departmental proceedings, and appropriate consequential relief be granted in favour of the appellant.

7. Per contra, learned State counsel would oppose the appeal and submit that the charges against the appellant relate to serious financial irregularities and the departmental enquiry had culminated in a finding of guilt. The learned Single Judge has not interfered with the findings on merits; therefore, the respondents are entitled to proceed afresh after complying with the statutory requirement of furnishing the Commission's recommendation and providing an opportunity of hearing to the appellant. It is further submitted that mere delay cannot be a ground to terminate disciplinary proceedings involving serious financial irregularities, particularly when the appellant was found guilty in the departmental enquiry. The appellant has also failed to demonstrate any error apparent on the face of the record

warranting interference with the order dismissing the review petition. Accordingly, learned State counsel submits that the writ appeal is devoid of merit and deserves to be dismissed and the orders dated 29.08.2025 and 02.01.2026 passed by the learned Single Judge deserve to be affirmed.

8. We have considered the submissions advanced by learned counsel for the parties and have perused the material available on record.
9. The principal grievance of the appellant is that, having found that the recommendation of the Public Service Commission was not supplied to him before passing the order of dismissal dated 10.07.2019, the learned Single Judge ought to have quashed the disciplinary proceedings in their entirety instead of remitting the matter to the competent authority for proceeding afresh from the stage of consultation with the Commission.
10. It is not in dispute that the learned Single Judge has already set aside the order of dismissal dated 10.07.2019 on account of non-compliance with Rule 32 of the Rules, 1966 and has directed the respondents to proceed afresh from the appropriate stage after furnishing the recommendation of the Public Service Commission and affording due opportunity to the appellant. Thus, the defect in the decision-making process has already been noticed and appropriately remedied. The question is whether such procedural lapse would entitle the appellant to a complete exoneration from

the disciplinary proceedings. In our considered view, the answer must be in the negative.

11. The Hon'ble Supreme Court in **State of Rajasthan & Others v. Bhupendra Singh, Civil Appeal Nos.8546-8549 of 2024, decided on 08.08.2024, 2024 INSC 592**, has considered a substantially similar issue relating to non-supply of the enquiry report and opinion of the Public Service Commission. The Supreme Court noticed that, after the earlier order of removal was quashed, the delinquent employee was supplied the enquiry report and the RPSC opinion and was afforded an opportunity to submit his representation and of hearing. The Court held that, in such circumstances, there was no violation of the principles of natural justice. The Supreme Court further reiterated that judicial review in disciplinary matters is primarily concerned with the decision-making process and not with re-appreciation of evidence.
12. The aforesaid principle is also consistent with the Constitution Bench judgment in **Managing Director, ECIL, Hyderabad v. B. Karunakar, (1993) 4 SCC 727**, wherein the Supreme Court recognized the right of a delinquent employee to receive the enquiry report before the disciplinary authority takes its final decision, but also emphasized that the consequence of violation of such procedural requirement has to be examined having regard to the prejudice caused to the delinquent. The principles of natural justice are intended to secure a fair opportunity and cannot be

applied mechanically.

13. In the present case, the learned Single Judge has already afforded the appellant the necessary protection by setting aside the dismissal order and directing the respondents to recommence the process from the stage at which the statutory requirement was not complied with. The appellant would consequently have an opportunity to receive the recommendation of the Public Service Commission, submit his representation thereto and participate in the fresh decision-making process. Therefore, the remand does not cause denial of natural justice; rather, it ensures its compliance.
14. We are also unable to accept the contention that the mere passage of time or the fact that the allegations relate to the year 2007 would, by itself, warrant termination of the disciplinary proceedings. The allegations against the appellant concern financial irregularities and, admittedly, the departmental enquiry had culminated in findings of guilt. The learned Single Judge has not recorded any finding that the charges were false, baseless or that the enquiry was vitiated on merits. Nor has the appellant demonstrated any perversity in the findings recorded by the Enquiry Officer warranting interference in exercise of appellate jurisdiction.
15. It is well settled that the High Court, while exercising jurisdiction under Article 226 of the Constitution, does not ordinarily act as an

appellate authority over a departmental enquiry. In **State of Andhra Pradesh v. S. Sree Rama Rao, AIR 1963 SC 1723**, and **State of Andhra Pradesh v. Chitra Venkata Rao, (1975) 2 SCC 557**, the Supreme Court held that interference is warranted where the enquiry is conducted contrary to the prescribed procedure, in violation of natural justice, or where the findings are based on no evidence/perversity; however, adequacy or sufficiency of evidence is ordinarily not for the writ court to examine. These principles were reiterated in **State of Rajasthan v. Bhupendra Singh, 2024 INSC 592**.

16. In the facts of the present case, the learned Single Judge has exercised the power of judicial review precisely within the aforesaid parameters. The dismissal order has been set aside on account of a procedural infirmity and the matter has been remitted for a fresh decision in accordance with the statutory rules. We find no error in such a course of action. Granting the further relief sought by the appellant by completely terminating the disciplinary proceedings would, in our view, amount to granting him an advantage which does not flow from the procedural defect noticed by the learned Single Judge.
17. Consequently, we find no merit in the present appeal. The order dated 29.08.2025 passed in WPS No.5981/2019 and the order dated 02.01.2026 passed in REVP No.404/2025 do not warrant any interference.

18. The appeal is accordingly **dismissed**. The respondents shall, however, proceed strictly in accordance with Rule 32 of the Rules, 1966 and the directions contained in the order of the learned Single Judge, after affording the appellant an effective opportunity of hearing. There shall be no order as to costs.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice

Chandra