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CGHC010301242022



2026:CGHC:30191

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 6175 of 2022

1 - Rohit Pareshwar S/o Late Shri Pooran Singh Pareshwar Aged About 33 Years
R/o C/o Smt. Jaanu Pareshwar, Veerbhadra Nagar, Chandni Chowk, Infront Of
Community Hall, District : Raipur, Chhattisgarh

... Petitioner(s)

versus

1 - The State Of Chhattisgarh Through The Principal Secretary, Home (Police)
Department, Mahanadi Bhawan, Nava Raipur Atal Nagar, District : Raipur,
Chhattisgarh

2 - The Director General Of Police Police Headquarters, District : Raipur,
Chhattisgarh

3 - The Inspector General Of Police Bastar Range, District : Bastar(Jagdalpur),
Chhattisgarh

4 - The Superintendent Of Police Sukma, District : Sukuma, Chhattisgarh

5 - Reserve Inspector Reserve Circle Sukma, District : Sukuma, Chhattisgarh

... Respondent(s)

For Petitioner/s	:	Shri Rohit Sharma, Advocate.
For Respondent/State	:	Shri Siddharth Ojha, P.L.

Hon'ble Shri Justice Rakesh Mohan Pandey
Judgment On Board

16.07.2026

1) The petitioner has filed this petition seeking the following reliefs:

“10.1 That this Hon'ble Court may kindly be pleased to quashed/set-aside the impugned order dated 15.09.2021 passed in mercy petition (Annexure-P/1) and order Dated 30.09.2020 passed in appeal & the impugned order of dismissal dated 27.02.2018 (Annexure-P/2 Colly).

10.2 That this Hon'ble Court may kindly be pleased to direct the respondent authority to allow all consequential benefits to the petitioner.

10.3 That this Hon'ble Court may kindly be pleased to grant any other order/direction/ relief to petitioner in the nature of mandamus which the Hon'ble Court deemed fit & proper in the facts & circumstances of the case, including awarding of costs to him.”

2) Learned counsel for the petitioner would submit that the petitioner was appointed on the post of Constable (GD) in the year 2014. He would submit that the petitioner remained absent from duty due to his prolonged illness from 21.4.2017 to 4.11.2017 (198 days). He would contend that pursuant to a direction issued by the Superintendent of Police, preliminary enquiry was conducted against the petitioner and in the said enquiry, a show-cause notice dated 21.11.2017 was issued, alleging that his absence from duty for a period of 198 days amounted to negligence and indiscipline.

The Enquiry Officer submitted its report before the Superintendent of Police on 16.12.2017 and subsequently, vide order dated 27.2.2018, the petitioner was removed from service. He would contend that the petitioner preferred an appeal before the Inspector General of Police, which was dismissed vide order dated 30.9.2020. Thereafter, the mercy petition preferred by the petitioner against the orders dated 27.2.2018 & 30.9.2020 was also dismissed vide order dated 15.9.2021. It is argued by counsel for the petitioner that the petitioner was a regular government servant and his services were governed by the Chhattisgarh Civil Services (Classification, Control and Appeal) Rules, 1966 (for short 'Rules, 1966'), therefore, the respondent authorities were under an obligation to conduct a departmental enquiry strictly in accordance with the provisions of Rule 14 of the Rules, 1966, particularly before imposing the major penalty of removal from service. He would contend that the order of removal was passed solely on the basis of a preliminary enquiry, which is bad in law. He would pray to allow this petition.

- 3)** On the other hand, learned counsel appearing for the State would oppose the submissions made by counsel for the petitioner. He would contend that the petitioner remained unauthorizedly absent from duty for a period of 198 days from 21.4.2017 to 4.11.2017. He would contend that a departmental enquiry was conducted and thereafter, the Disciplinary Authority/ Superintendent of Police imposed the penalty of removal from service. He would further

contend that the order dated 27.2.2018 passed by the Disciplinary Authority has been affirmed by the Appellate Authority. He would further submit that there is concurrent finding of fact. It is also also contended that the petitioner was a member of the Armed Force and unauthorized absence from service by such a member constitutes a major misconduct, and therefore, the penalty of removal from service has rightly been imposed. He would submit that the petition deserves to be dismissed.

- 4) I have heard learned counsel for the parties and perused the documents placed on record.
- 5) Admittedly, the petitioner was working against a sanctioned vacant post of Constable (GD). He remained absent from duty for a period of 198 days, i.e. from 21.4.2017 to 4.11.2017. The Superintendent of Police, vide order dated 27.10.2017, directed that an enquiry be conducted. The Enquiry Officer conducted the enquiry behind the back of the petitioner and submitted his report to the Superintendent of Police. It is not in dispute that the petitioner was not afforded any opportunity of hearing. Thereafter, the Disciplinary Authority imposed the penalty of removal from service vide order dated 27.2.2018. The said order was affirmed by the Appellate Authority. However, the Superintendent of Police as well as the Appellate Authority failed to consider the fact that the enquiry was not conducted in accordance with Rule 14 of the CCA Rules, 1966. No article of charge was served upon the

petitioner. Enquiry Officer and a Presenting Officer were not appointed in accordance with law; the petitioner was not afforded an opportunity to cross-examine the witnesses; a copy of the enquiry report was not supplied to him, nor was a second show-cause notice issued before imposing the major penalty of removal from service. The Appellate Authority also failed to consider that the mandatory provisions of law have not been complied with and that the order was passed in upper violation of the principles of natural justice.

6) Having considered the above-discussed facts, the order dated 27.2.2018 passed by the Superintendent of Police, the Appellate Authority dated 6.8.2020 and the order dated 15.9.2021 passed in the mercy petition are hereby quashed. The petitioner shall be reinstated in service forthwith with all consequential benefits, including arrears of salary.

7) With the aforesaid observation(s), the present petition is disposed of.

Sd/-

(Rakesh Mohan Pandey)
JUDGE

Nimmi