



CGHC010399092024



2026:CGHC:44766

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

(Order Reserved on 13-10-2026)

(Final Order Delivered on 16 -10-2026)

(Final Order Uploaded on 16-10-2026)

WPS No. 7476 of 2024

1 - Jivanand Haldar S/o Jitendra Haldar Aged About 53 Years R/o Maharani Ward, Jagdalpur, District Bastar, Chhattisgarh.

2 - Rajendra Kumar Singh S/o Late Gorakhnath Singh Aged About 53 Years R/o Village Gosandepur, Police Station Karanda, District Ghazipur, Uttar Pradesh

... Petitioners**versus**

1 - State of Chhattisgarh Through Secretary, Home Affairs Department, Raipur, District Raipur, Chhattisgarh.

2 - Director General of Police Armed Forces, Raipur, District : Raipur, Chhattisgarh

3 - Inspector General of Police Chhattisgarh Police Armed Forces, Head Quarter, Raipur, District : Raipur, Chhattisgarh

4 - Deputy Inspector General of Police Chhattisgarh Battalion, Bhilai, District : Durg, Chhattisgarh

5 - Commandant, 8th Battalion, Rajnandgaon, District : Rajnandgaon, Chhattisgarh

... Respondents**(Cause-title taken from Case Information System)**

For Petitioners	:	Mr. Anup Majumdar, Sr. Advocate along with Mr. Prateek Singh Thakur, Advocate
For State	:	Mr. Soumitra Kesharwani, Panel Lawyer

(Hon'ble Shri Justice Bibhu Datta Guru)

CAV Order

1. The present writ petition raises a limited but substantial question concerning the exercise of revisional jurisdiction by the departmental authority in enhancing the punishment imposed upon the petitioners in the disciplinary proceedings. The principal grievance of the petitioners is that, although notices proposing enhancement of punishment were issued to them and replies thereto were submitted, the competent authority enhanced the punishment without considering the explanations furnished by them and without recording adequate reasons for taking such an adverse decision.
2. The petitioners contend that the action of the revisional authority is contrary to the provisions of Regulations 225, 226 and 270(4) of the Chhattisgarh Police Regulations. It is submitted that the power to enhance punishment is not unfettered and must be exercised in accordance with the criteria prescribed under the Regulations. According to the petitioners, the authority was required to consider the nature and gravity of the misconduct, the circumstances of the case and the relevant factors bearing upon the quantum of punishment, besides considering the replies submitted in response to the notices proposing enhancement.

3. Learned counsel for the petitioners submits that the material placed along with the writ petition, particularly Annexure P/4, demonstrates that two notices were issued proposing enhancement of punishment and that the petitioners submitted their respective replies thereto. However, the impugned order does not disclose any meaningful consideration of the explanations furnished by them. It is contended that the authority has enhanced the punishment without assigning cogent reasons for rejecting the petitioners' submissions and without demonstrating that the requirements of the applicable Police Regulations have been followed.
4. Learned counsel further submits that the principles governing the exercise of revisional power to enhance punishment have been considered by this Court in *Smt. Indrani Srivas v. State of Chhattisgarh and Others, Writ Petition No. 2894 of 2005, decided on 30.01.2017*. In the said decision, this Court considered Regulations 225, 226 and 270(4) of the Chhattisgarh Police Regulations and held that the revisional authority must record specific reasons while enhancing the punishment, keeping in view the governing regulatory provisions. It is submitted that the impugned order does not satisfy the said requirements.
5. Per contra, learned State counsel raises a preliminary objection regarding the maintainability of the present writ petition. It is submitted

that the petitioners had earlier approached this Court by filing a writ petition. Thereafter, liberty was granted to them to pursue the departmental appellate remedy, and the appeal preferred by them pursuant to such liberty has since been decided. According to the State, the dispute has already been considered in the subsequent appellate proceedings and the petitioners cannot reopen the same controversy by filing another writ petition.

6. In response, learned counsel for the petitioners submits that the objection raised by the State does not address the specific controversy involved in the present proceedings. It is contended that, although the earlier writ proceedings and the subsequent departmental appeal concerned the disciplinary action against the petitioners, the specific question as to whether the procedure prescribed for enhancement of punishment was followed, particularly whether the replies to the notices were considered and reasons recorded before enhancing the punishment, has not been adjudicated either by this Court in the earlier proceedings or by the departmental appellate authority. It is, therefore, submitted that the present petition is directed against the procedural illegality attending the enhancement of punishment and deserves consideration on that limited ground.
7. I have heard learned counsel for the parties and perused the material available on record.
8. It is not in dispute that pursuant to the regular departmental enquiry, the

disciplinary authority imposed punishment by reduction of one increment for one year with non cumulative effect. It is also not in dispute that the revisional authority after holding that charges proved are serious in nature enhanced the punishment from reduction of one increment to removal from service.

9. Before considering the grievance on merits, it would be appropriate to reproduce the Regulation 225, 226 and 270 (4) of the CGPR which state as under:-

“225. The object to be aimed at in adjudicating punishment is that while the punishment shall be adequate to the offence, it shall also be appropriate to the circumstances of the offender. What is a light punishment to oneman may be most severe on another and in awarding punishment therefore, careful consideration must be given to the character, antecedents and length of service of the offender. Frank confession of a fault should always be taken into account in mitigation of punishment, while lying and false defences should be considered as a grave aggravation of an offence.

226. Punishments - Offences for which given – The following rules should be observed in determining what penalty should be awarded for any particular offence:-

- (i) (a) dismissal is the last resource and should, ordinarily,

not be inflicted until all other means of corrections have failed.

(b) If dismissal is considered too severe a punishment for a Sub-Inspector he should be removed from the service (this does not amount to dismissal)

(ii) Reduction in rank is suitable punishment for incompetence, or cases of serious dereliction of duty in which dismissal or removal is considered to be too severe a punishment. As a general rule, Sub-Inspectors who are directly recruited should not be punished by reduction to Assistant Sub-Inspector. The reduction to Assistant Sub-Inspector or Sub-Inspectors who were appointed by promotion from the rank of Head Constables or Assistant Sub-Inspector is permitted.

(iii) Withholding of increment either temporary or permanent (or grade reduction in the case of head constable) is a suitable punishment for all cases of serious dereliction of duty. It may also be inflicted for culpable ignorance of police procedure, laziness or apathy in conducting the work of the police station, and the like. Fair warning should be given in every instance and opportunity for amendment afforded before the punishment is awarded.

In the case of a constable, the period of deprivation shall not exceed a year, nor is it advisable that a constable should be deprived of more than one increment at a time. If after a departmental enquiry for a subsequent offence it is found advisable to inflict this punishment on a constable already under reduction, the proper order to pass is one extending the reduction by a period not exceeding one year.

(iv) An increment which has fallen due may be withheld for a definite period for inefficiency or unsatisfactory service. In the case of a constable it shall not be withheld for more than one year in the first instance. If a subsequent offence justifies extension of this period a departmental enquiry is necessary.

(v) Fine is an appropriate punishment for repeated carelessness and disobedience of orders, unpunctuality and the like. Fines should be moderate in amount; the loss of half a month's pay is the utmost that should ever be inflicted, save in very exceptional circumstances. The flogging of constables is prohibited.

(vi) In the case of head constable and constables minor offences against discipline should be dealt with, firstly, by warning and if this proves ineffectual by the infliction of

the minor punishment specified in regulation 216 and 217 (b) or by detailing the offender to a course of more irksome and unpopular duties.

(vii) The transfer of a police officer to an unhealthy or unpopular post as a punishment is strictly forbidden.

270(4):- The revising authority may for reasons to be recorded in writing exonerate or may remit, vary or enhance the punishment imposed or may order a fresh enquiry or the taking of further evidence in the case:

Provided that it shall not vary or reverse any order unless notice has been served on the parties interested and opportunity given them for being heard.

10. Sections 225 and 226 of the CGPR indicate parameters for exercise of discretion by the revisional authority as well as by the disciplinary authority and factors to be kept in mind while imposing the punishment to the delinquent employee. Section 270 (4) of the CGPR provides that the revisional authority while enhancing the punishment reasons have to be recorded in writing and further obliges to give an opportunity of hearing to the delinquent employee/servant.
11. At the outset, the objection regarding maintainability requires consideration in the context of the precise issue raised in the present petition. The mere fact that the petitioners had earlier approached this Court and thereafter pursued the departmental appellate remedy

pursuant to the liberty granted by this Court would not, by itself, answer the distinct question whether the revisional authority complied with the mandatory requirements governing enhancement of punishment. At the same time, the mere raising of a procedural objection does not automatically overcome the effect of any issue already finally adjudicated. The matter must, therefore, be examined with reference to the scope of the earlier proceedings and the specific grievance now raised.

12. In the present case, the petitioners have specifically contended that the procedural aspect relating to enhancement of punishment, including consideration of the replies submitted by them pursuant to the notices issued under Annexure P/4, was not examined in the earlier proceedings or by the appellate authority. The State has opposed the petition principally on the ground that the dispute has already been considered in the departmental appeal. However, the material presently placed before this Court does not establish that the specific question concerning compliance with Regulations 226 and 270(4), in the manner now raised, was adjudicated on its merits. The preliminary objection, therefore, cannot be accepted merely on the ground that an earlier writ petition and a subsequent departmental appeal had been pursued. The present petition is accordingly examined within the limited scope of the procedural grievance raised by the petitioners.
13. A careful perusal of the order impugned would show that while

enhancing the punishment from reduction of one increment to removal from service no reasons have been recorded by the revisional authority except holding that charges are serious in nature. The disciplinary authority has already considered the charges proved against the petitioner and only awarded punishment of reduction of pay of one increment for one year, therefore, specific reasons have to be recorded by the revisional authority while remitting, varying or enhancing the punishment imposed upon the delinquent employee keeping in view the provisions contained in Section 270(4) of the CGPR, which has not been done in this case.

14. The Supreme Court in the matter of **Kranti Associates Private Limited and another Vs. Masood Ahmed Khan and others (2010) 9 SCC 496** while considering the question reasons to be recorded. It was observed as under:-

“47. Summarizing the above discussion, this Court holds:

- a. In India the judicial trend has always been to record reasons, even in administrative decisions, if such decisions affect anyone prejudicially.
- b. A quasi-judicial authority must record reasons in support of its conclusions.
- c. Insistence on recording of reasons is meant to serve the wider principle of justice that justice must not only be done it must also appear to be done as well.

- d. Recording of reasons also operates as a valid restraint on any possible arbitrary exercise of judicial and quasi-judicial or even administrative power.
- e. Reasons reassure that discretion has been exercised by the decision maker on relevant grounds and by disregarding extraneous considerations.
- f. Reasons have virtually become as indispensable a component of a decision making process as observing principles of natural justice by judicial, quasi-judicial and even by administrative bodies.
- g. Reasons facilitate the process of judicial review by superior Courts.
- h. The ongoing judicial trend in all countries committed to rule of law and constitutional governance is in favour of reasoned decisions based on relevant facts. This is virtually the life blood of judicial decision making justifying the principle that reason is the soul of justice.
- i. Judicial or even quasi-judicial opinions these days can be as different as the judges and authorities who deliver them. All these decisions serve one common purpose which is to demonstrate by reason that the relevant factors have been objectively considered. This is important for sustaining the litigants' faith in the justice delivery system.

j. Insistence on reason is a requirement for both judicial accountability and transparency.

k. If a Judge or a quasi-judicial authority is not candid enough about his/her decision making process then it is impossible to know whether the person deciding is faithful to the doctrine of precedent or to principles of incrementalism.

l. Reasons in support of decisions must be cogent, clear and succinct. A pretence of reasons or 'rubber-stamp reasons' is not to be equated with a valid decision making process.

m. It cannot be doubted that transparency is the sine qua non of restraint on abuse of judicial powers. Transparency in decision making not only makes the judges and decision makers less prone to errors but also makes them subject to broader scrutiny. (See David Shapiro in Defence of Judicial Candor (1987) 100 Harward Law Review 731-737).

n. Since the requirement to record reasons emanates from the broad doctrine of fairness in decision making, the said requirement is now virtually a component of human rights and was considered part of Strasbourg Jurisprudence. See (1994) 19 EHRR 553, at 562 para 29 and Anya vs.

University of Oxford, 2001 EWCA Civ 405, wherein the Court referred to Article 6 of European Convention of Human Rights which requires, "adequate and intelligent reasons must be given for judicial decisions".

o. In all common law jurisdictions judgments play a vital role in setting up precedents for the future. Therefore, for development of law, requirement of giving reasons for the decision is of the essence and is virtually a part of "Due Process".

15. In the light of principle of law laid down by the Supreme Court in the above-stated judgment, I hold that the revisional authority is absolutely unjustified in interfering with the quantum of punishment awarded by the disciplinary authority as no valid reasons have been recorded while interfering with the punishment awarded by the disciplinary authority.
16. The aforesaid provisions have been considered by this Court in *Smt. Indrani Srivas* (supra). In the said case, the revisional authority had enhanced the punishment of withholding one increment to compulsory retirement. While considering the legality of the enhancement, this Court examined Regulations 225, 226 and 270(4) of the Chhattisgarh Police Regulations and observed that the revisional authority was required to record specific reasons for enhancing the punishment, keeping in view the governing provisions. The Court further held that specific reasons were required to be recorded by the revisional

authority while remitting, varying or enhancing the punishment imposed upon the delinquent employee, keeping in view Regulation 270(4) of the Chhattisgarh Police Regulations.

17. The aforesaid decision makes it clear that the exercise of revisional jurisdiction for enhancement of punishment cannot be sustained merely by referring to the seriousness of the charges. The authority must demonstrate, through reasons recorded in writing, why the punishment originally imposed requires interference and why the enhanced punishment is justified in the circumstances of the case. The exercise must also conform to the guiding principles contained in Regulations 225 and 226.
18. In the present case, upon perusal of Annexure P/4, it appears that two notices proposing enhancement of punishment were issued to the petitioners and that replies were submitted in response thereto. However, the impugned order does not disclose adequate consideration of the explanations furnished by the petitioners. Nor does it satisfactorily demonstrate how the objections raised in the replies were dealt with before the punishment was enhanced.
19. The defect is not merely that the petitioners disagree with the conclusion reached by the authority. The material concern is that the decision-making process does not demonstrate consideration of the replies submitted by the petitioners, which were relevant to the proposed adverse action. Once an opportunity to submit an explanation

is afforded, the authority is required to consider the explanation objectively. The opportunity cannot be reduced to a procedural formality by issuing a notice and thereafter passing an order without disclosing consideration of the response.

20. Further, the impugned order does not adequately disclose an assessment of the matter in the light of the principles contained in Regulation 226. Where enhancement of punishment is proposed, the authority is required to examine the nature and gravity of the misconduct, the circumstances of the employee, the relevant service record and the suitability of the proposed punishment in the facts of the case. The order must disclose a reasoned application of mind to the relevant considerations, rather than merely record a conclusion that the punishment ought to be enhanced.
21. The power conferred by Regulation 270(4) is undoubtedly available to the revisional authority. However, the existence of such power does not dispense with the obligation to exercise it in accordance with the prescribed procedure. The authority must record reasons in writing, consider the explanation submitted by the affected employee and assess the proposed enhancement in the light of the applicable regulatory principles. Failure to demonstrate such consideration renders the decision vulnerable to judicial review on procedural grounds.
22. In the present matter, the notices and replies reflected in Annexure P/4 assume particular significance. The petitioners were called upon to

explain why the punishment should not be enhanced, and they responded to the notices. Their explanations were, therefore, material to the decision which the revisional authority was required to take. In the absence of discernible consideration of those explanations and adequate reasons for rejecting the same, the impugned decision cannot be regarded as a sufficiently reasoned exercise of revisional jurisdiction.

23. This Court is conscious of the objection raised by the State regarding the earlier writ proceedings and the subsequent departmental appeal. However, the relief being considered herein is confined to ensuring compliance with the applicable regulatory procedure in relation to enhancement of punishment. This Court is not undertaking a fresh adjudication of the charges levelled against the petitioners, nor is it expressing any opinion on the correctness of the findings recorded in the departmental enquiry. The limited question is whether the enhancement of punishment was undertaken in accordance with the requirements of Regulations 225, 226 and 270(4).
24. In view of the aforesaid discussion, this Court is of the considered opinion that the matter requires reconsideration by the competent revisional authority. The authority must examine the replies submitted by the petitioners, consider the relevant material available on record and determine the question of enhancement of punishment in accordance with the applicable Police Regulations. The decision must

be supported by reasons demonstrating due application of mind to the relevant considerations.

25. Accordingly, without expressing any opinion on the merits of the charges or the punishment ultimately warranted, the impugned orders dated 04.07.2008, 09.01.2015 & 31.05.2024 (Annexures P-4, P-6 & P-8, respectively), **are quashed**. The matter is remitted to the competent revisional authority for fresh consideration in accordance with law. The revisional authority shall, while reconsidering the matter:

(i) consider both the notices issued to the petitioners proposing enhancement of punishment and the replies submitted by them;

(ii) consider the nature and gravity of the misconduct found proved, the circumstances of the petitioners, their relevant service records and all other material having a bearing on the quantum of punishment;

(iii) apply the guiding principles contained in Regulations 225 and 226 of the Chhattisgarh Police Regulations while determining whether enhancement of punishment is warranted;

(iv) comply with Regulation 270(4) by recording reasons in writing for the decision taken and by ensuring that the procedural requirements prescribed therein are duly observed; and

(v) pass a fresh, reasoned and speaking order dealing with the material submissions raised by the petitioners and the relevant considerations governing enhancement of punishment.

26. The competent authority shall undertake the aforesaid exercise independently and in accordance with law, without being influenced by any observation in this order concerning the ultimate merits of the disciplinary action. The exercise shall be completed within a period of sixty days from the date of receipt of a copy of this order.
27. It is clarified that this Court has not expressed any opinion on the correctness of the charges, the findings recorded in the departmental enquiry or the quantum of punishment that may ultimately be imposed. Those matters, to the extent they arise for consideration within the scope of the remand, shall be decided by the competent authority in accordance with law.
28. As a sequel, the writ petition is allowed to the above extent, leaving the parties to bear their own cost(s).

SD/-
(Bibhu Datta Guru)
JUDGE

ashu