

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition No.1856 of 2006

Murali Singh, Constable No. 52, S/o Lal Singh, R/o Police Line, Durg
(C.G.)

---- Petitioner

Versus

1. The State of Chhattisgarh, Through the Secretary, Home Department,
D.K.S. Bhawan, Raipur (C.G.)
2. Inspector General of Police, Raipur Region, Raipur.
3. The Senior Superintendent of Police, Durg (C.G.)
4. Mahendra Singh, Reserve Inspector, Durg (C.G.)

---- Respondents

For Petitioner:	Mr. Ajay Shrivastava, Advocate.
For State/Respondents No.1 to 3: -	Mr. Ashish Surana, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

09/11/2017

1. Learned counsel for the petitioner submits that the petitioner was inflicted with punishment of stoppage of one increment with cumulative effect for a period of one year against which he preferred appeal before the Inspector General of Police which was required to be considered in light of Rule 27 of the Chhattisgarh Civil Services (Classification, Control and Appeal) Rules, 1966 (for short, 'the Rules of 1966'), but the same has not been considered and by a non-speaking and unreasoned order, the appeal has been rejected.
2. Learned State counsel opposes the submission.
3. I have heard learned counsel for the parties and perused the orders impugned.

4. Admittedly, the Rules of 1966 are required to be followed in which the manner of hearing appeal has been prescribed under Rule 27, which requires that the appellate authority is required to consider whether the procedure laid down in the Rules has been complied with and if not, whether such non-compliance has resulted in the violation of any provisions of the Constitution of India or in the failure of justice; whether the findings of the disciplinary authority are warranted by the evidence on the record; and whether the penalty or the enhanced penalty imposed is adequate, inadequate or severe, and thereafter pass order accordingly. In the instant case, it appears that the appellate authority has simply recorded the facts of the case and held that no ground has been raised warranting interference and dismissed the appeal which is impermissible in light of Rule 27 of the Rules of 1966.
5. For the foregoing reasons, the appellate order is set aside and the matter is remitted back to the Inspector General of Police for hearing and disposal of the appeal afresh in accordance with Rule 27 of the Rules of 1966 after hearing the petitioner.
6. The writ petition is allowed to the extent indicated herein-above. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge