

**HIGH COURT OF CHHATTISGARH, BILASPUR**  
**WPS No.2629 of 2007**

Maheshwaranand Netam S/o Late Shri P.K. Netam, aged about 27 years, Occupation service in Police Department on the post of Constable (Constable No.433) posted at Police Station Amabeda, District North Bastar Kanker, resident of Village and Post Doude, Tahsil Pakhanjoor, District Kanker (CG)

---- Petitioner

Versus

- 1.** The State of Chhattisgarh, through the Secretary, Ministry of Home Affairs, Mantralay, D.K.S. Bhawan Raipur (CG)
- 2.** The Director General of Police, Chhattisgarh, Police Headquarter, Raipur (CG)
- 3.** Inspector General of Police, Bastar Range, Jagdalpur (CG)
- 4.** The Superintendent of Police, District North Bastar Kanker (CG)

---- Respondents

|                 |   |                                |
|-----------------|---|--------------------------------|
| For Petitioner  | : | Ms Aparajita Gaikwad, Advocate |
| For Respondents | : | Ms Sunita Jain, P.L.           |

**Hon'ble Shri Justice Sanjay K. Agrawal**

**Order on Board**

30/1/2018

- 1.** The petitioner was inflicted with penalty of stoppage of one increment with cumulative effect, against which he preferred an appeal before the Director General of Police, Chhattisgarh, Police Headquarter, Raipur. The Director General of Police by the impugned order rejected the appeal finding no merit. Being aggrieved and dissatisfied with the said order, the present writ petition has been filed by the petitioner herein.
- 2.** Learned counsel for the petitioner would submit that the petitioner has raised several grounds in appeal which have been duly incorporated in the impugned order, but none of the grounds have been considered by the Director General of Police and dismissed the appeal by non-speaking and unreasoned order, which is unsustainable and bad in law.

3. On the other hand, learned Panel Lawyer for the respondents/State would support the impugned order.
4. I have heard learned counsel for the parties and considered their rival submissions made hereinabove and also gone through the records with utmost circumspection.
5. It is correct to say that several grounds were raised by the petitioner to question the order of the disciplinary authority inflicting penalty of stoppage of one increment with cumulative effect, but none of the grounds were considered by the appellate authority. In fact, in an appeal preferred by the petitioner against order inflicting penalty, the appellate authority was required to consider (a) whether the procedure laid down in these rules have been complied with and if not, whether such non-compliance has resulted in the violation of any provisions of such Constitution of India or in the failure of justice; (b) whether the findings of the disciplinary authority are warranted by the evidence on the record; and (c) whether the penalty or the enhanced penalty imposed is adequate, inadequate or severe, but it has not been considered and non-speaking and unreasoned order has been passed.
6. In view of above, the impugned order dated 8.1.2007 (Annexure P/1) passed by the Director General of Police, Chhattisgarh, Police Headquarter, Raipur is hereby set aside. The matter is remitted to the Director General of Police, Chhattisgarh, Police Headquarter, Raipur to pass a reasoned and speaking order in the light of what has been mentioned in the above stated paragraph within three months from the date of receipt/production of a copy of this order

after hearing the petitioner.

**7.** The writ petition is allowed to the extent indicated hereinabove.

No cost(s).

Sd/-

(Sanjay K. Agrawal)  
Judge

B/-