

HIGH COURT OF CHHATTISGARH, BILASPUR
WPS No.1349 of 2005

Ashwani Kumar Atram aged about 33 years, son of Shri Shiv Charan Atram, Occupation Rural Agriculture Extension Officer, Block Rajnandgaon (MP) (Now CG)

---- Petitioner

Versus

- 1.** State of M.P. through Secretary Agriculture Department, Vallabh Bhavan Bhopal (MP)
- 2.** Director of Agriculture M.P. Govt. Bhopal (MP)
- 3.** Joint Director Agriculture, Raipur
- 4.** Dy. Director Agriculture, Rajnandgaon
- 5.** Shri Yeshwant Kumar Dube, Sub-Divisional Officer (Agriculture) Kawardha, District Rajnandgaon (MP) (CG)

---- Respondents

For Petitioner	:	Mr.Surendra Kumar Dewangan, Advocate
For State	:	Ms Sunita Jain, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

1/2/2018

- 1.** The petitioner was inflicted with penalty of stoppage of one increment with cumulative effect by order dated 22.12.1990 and also imposed penalty of 'Censure', against which he preferred an appeal before the appellate authority/Director of Agriculture, which was dismissed by the appellate authority by order dated 14.5.1991. Thereafter, the petitioner preferred a revision/review petition before the State Government, which was also dismissed by the State Government. Against which, the petitioner has filed the present writ petition.
- 2.** Learned counsel for the petitioner would submit that appeal has been dismissed by appellate authority by non-speaking and unreasoned order, which has been affirmed by the State Government in revision. Therefore, both the orders are liable to be set aside.

3. On the other hand, learned Panel Lawyer for the 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, which has not been done in this case and non-speaking and unreasoned order has been passed, which was affirmed by the State Government in revision.
6. In view of above, the impugned orders Annexure P/14 and Annexure P/16 are hereby set aside. The matter is remitted to the appellate authority/Director of Agriculture, Government of Chhattisgarh 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

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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/-