

HIGH COURT OF CHHATTISGARH, BILASPUR
WPS No.4096 of 2009

Manharan Lal Tiwari, aged about 54 years, S/o Shri Jagat Ram Tiwari, Presently posted as Assistant Sub Inspector, Police Station Civil Line, Raipur, District Raipur, Chhattisgarh

---- Petitioner

Versus

1. State of Chhattisgarh Through Secretary, Government of Chhattisgarh, Department of Home, DKS Bhawan, Mantralaya Raipur, Chhattisgarh
2. Director General of Police, Police Headquarters Chhattisgarh, Raipur Chhattisgarh
3. Additional Director General of Police (Administration), Police Headquarters, Chhattisgarh, Raipur, Chhattisgarh
4. Inspector General of Police, Raipur Range, Raipur Chhattisgarh
5. Superintendent of Police, District Raipur, Chhattisgarh
6. Shri K.B. Khatri, City Superintendent of Police, Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr.Prateek Sharma, Advocate
For Res. No.1 to 5	:	Mr.Arun Sao, Deputy Advocate General

Hon'ble Shri Justice Sanjay K. Agrawal
Order on Board

2/1/2018

1. Learned counsel for the petitioner would submit that against the order of disciplinary authority dated 25.7.2005 the petitioner has preferred an appeal before the appellate authority and the appellate authority has dismissed the same by non-speaking and unreasoned order, which is unsustainable and bad in law.
2. On the other hand, learned Deputy Advocate General for respondents No.1 to 5 would support the impugned order.
3. I have heard learned counsel for the parties and perused the

impugned order.

4. It is apparent on the face of record that the petitioner has raised several grounds while questioning the order passed by the disciplinary authority before the appellate authority, but the appellate authority has simply narrated the facts of the case and dismissed the appeal finding there is no ground to interfere with the order of the disciplinary authority, whereas none of the grounds have been considered by the appellate authority on merits.
5. In view of above, the impugned order dated 8.2.2006 (Annexure P/2) passed by respondent No.2/Director General of Police, Police Headquarters, Chhattisgarh Raipur is set aside. The matter is restored to the office of respondent No.2/Director General of Police, Police Headquarters, Chhattisgarh Raipur for hearing and disposal in accordance with law. Respondent No.2 shall pass a reasoned and speaking order after hearing the petitioner as early as possible preferably preferably within a period of four months from the date of receipt/production of a copy of this order.
6. The writ petition is allowed to the extent indicated hereinabove. No cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge

B/-