

HIGH COURT OF CHHATTISGARH, BILASPUR
WPS No.1753 of 2018

Ajit Kumar Tigga S/o Shri C. Tigga, aged about 52 years,
 Executive Engineer, presently posted at Nagar Nigam
 Jagdalpur, R/o Q.No.F-3, Near Dantashwari Mandir,
 Jagdalpur (CG)

---- Petitioner

Versus

1. State of Chhattisgarh, through its Secretary, Department of Urban Administration & Development, Mantralaya, Mahanadi Bhawan, New Raipur (CG)
2. Director, Directorate of Urban Administration & Development, Indrawati Bhawan, New Raipur (CG)
3. Nilamber Nayak, Joint Director at Regional Office of the Urban Administration & Development Department, Near Old RTO Office, Vyapar Vihar, Bilaspur (CG)

---- Respondents

For Petitioner	:	Mr.Neeraj Choubey, Advocate
For Respondents No.1&2	:	Ms Sunita Jain, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

26/02/2018

1. Learned counsel for the petitioner would submit that the disciplinary authority has passed the order dated 29.3.2017 inflicting penalty of stoppage of one increment with non-cumulative effect against the petitioner, against which, he preferred an appeal before the appellate authority, which has been decided by unreasoned and non-speaking order. Therefore, the impugned order is unsustainable and bad in law.
2. On the other hand, learned Panel Lawyer for respondents No.1 and 2 would support the impugned order.
3. I have heard learned counsel for the parties and considered

their rival submissions made herein-above and also gone through the records with utmost circumspection.

- 4.** 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 non-cumulative effect, but none of the grounds were considered by the appellate authority. In fact, in 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.
- 5.** In view of above, the impugned order passed by the appellate authority is hereby set aside. The matter is remitted to the appellate authority to consider each and every ground raised by the petitioner in appeal afresh and thereafter to pass a reasoned and speaking order in accordance with law after hearing the parties within a period of six months from the date of receipt/production of a copy of this order. The petitioner is at liberty to raise additional

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grounds, if any, supported by the documents, which shall be considered by the appellate authority.

6. The writ petition is allowed to the extent indicated hereinabove. No cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge

B/-