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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition No. 3654 of 2004**

Sidhnath Pandey (Dead) through LRs:

1. Smt. Kusum Pandey, W/o Late Shri Sidhnath Pandey, Aged about 54 years, R/o Ward No.12, Khutanpara, Rajpur, District Balrampur (C.G.)
2. Pawan Pandey, S/o Late Shri Sidhnath Pandey, Aged about 28 years, R/o Ward No.12, Khutanpara, Rajpur, District Balrampur (C.G.)

---- **Petitioners****Versus**

1. State of Chhattisgarh through the Secretary, Department of Home, D.K.S. Bhawan, Raipur (Chhattisgarh).
2. The Director General, Police Headquarter, Raipur (Chhattisgarh).
3. The Inspector General of Police, Surguja Range, Surguja, District Surguja (Chhattisgarh).
4. The Superintendent of Police, District Koriya (C.G.)
5. The S.D.O.(P), Koriya

---- **Respondents**

For Petitioners	:	Mr. Sunil Otwani, Advocate.
For Respondents/State	:	Mr. D.R. Minj, Dy. G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****12/03/18**

1. Learned counsel for the petitioners would submit that the original petitioner was inflicted with penalty of stoppage of two increments with cumulative effect by order dated 24-03-2004 but the said order has been set

aside by the Director General of Police by the impugned order without giving opportunity of hearing.

2. On the other hand, learned State counsel would oppose the petition.

3. A perusal of the aforesaid provision would show that the revising authority in order to vary or reverse the order, is required to serve notice to the party interested and to afford an opportunity of being heard. A careful perusal of the impugned order would show that the revising authority without service of notice and without giving an opportunity of being heard, set aside the order dated 24-03-2004 which is unsustainable and bad in law.

4. It would be appropriate to notice clause 270(4) of the Chhattisgarh Police Regulation which reads as under:

“270.

(1) xxx xxx xxx xxx

(2) xxx xxx xxx xxx

(3) xxx xxx xxx xxx

(4) The revising authority may for reason to be recorded in writing exonerate or may remit vary of enhance the punishment imposed or may order a fresh enquiry of the taking of further evidence in the case:

Provided that it shall not vary or reverse any order unless notice has been served on the parties interested and opportunity given to them for being heard.”

5. In view of the above discussion, the impugned order is set aside and the matter is remitted back to respondent No.3 to consider and to pass a fresh order after noticing and giving opportunity of hearing to the L.Rs. of

the original petitioner within three months from the date of receipt of a copy of this order.

6. The writ petition is allowed to the extent indicated hereinabove.

Sd/-
(Sanjay K. Agrawal)
Judge