

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 5456 of 2018

Vedmati Yadav W/o Shri Badrika Prasad Yadav, aged about 59 years, presently working as Assistant Grade-III, R/o Yadav Niwas, Ward-13, Near Telephone Office, Shankar Nagar, Durg, District Durg (C.G.).

---Petitioner

Versus

Municipal Corporation, Durg, Through the Commissioner, Hindi Bhawan, G.E.Road, Durg, District Durg (C.G.).

---Respondent

For petitioner : Shri Jitendra Pali, Advocate.
For respondent : Shri Satish Gupta, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

23/08/2018

1. The counsel for the respondent submits that, there is a provision of appeal available to the petitioner to challenge the order of punishment – Annexure-P/1.
2. The grievance of the petitioner in the instant Writ Petition is that, the impugned order has an effect of major penalty in as much as the stoppage of increment has been made with cumulative effect.
3. This Court need not liberate the issue as it has been well settled that cumulative effect has the rigor of major punishment. That the major penalty has been issued by the respondent – Commissioner without conducting an enquiry which again is contrary to Rule 14 of the Chhattisgarh Civil Services (Classification, Control and Appeals) Rules, 1996.

4. The counsel for the respondent submits that, let the petitioner prefer an appeal against the impugned order to the Appellate Authority and the Appellate Authority shall decide the appeal within a period of 30 days from the date of filing of the appeal.
5. Without expressing any opinion on merits, the present Writ Petition stands disposed off with a direction to the petitioner to prefer an appeal within a period of 15 days from today and the Appellate Authority shall positively decide the appeal within a further period of 45 days thereafter.
6. The Writ Petition accordingly stands disposed off.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit