

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Appeal No. 710 of 2018

- Dr. Kaushal Kishor Mishra S/o Shri S.M. Mishra Aged About 60 Years R/o Village Sambalpur, Tahsil Bhanupratappur, District- South Bastar Kanker, Chhattisgarh.

---- Appellant

Versus

1. State of Chhattisgarh Through Secretary Medical Education And Health And Family Welfare D.K.S. Mantralaya Raipur, Chhattisgarh (Now Mahanadi Bhawan, New Mantralaya, District- Raipur, Chhattisgarh
2. Director Indian System of Medicine And Homeopathy, Old Nurses Hostel Behind Old Mantralaya, District- Raipur, Chhattisgarh.
3. District Ayurvedic Officer District Kanker North Bastar, Kanker, Chhattisgarh

---- Respondents

For Appellant : Shri Prakash Tiwari and Shri Palash Tiwari, Advocates
For Respondents-State : Shri Prafull N. Bharat, Additional Advocate General

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice

Hon'ble Shri Parth Prateem Sahu, Judge

Order on Board

Per, Ajay Kumar Tripathi, Chief Justice

19.09.2018

1. Heard counsel for the Appellant and counsel for the State.
2. In our opinion, the learned Single Judge, despite recording findings against the Appellant with regard to wrong furnishing of certain inputs to the State authorities, about sterilization being found to be in violation of sub-rule (iii) of Rule 3 of the Chhattisgarh Civil Services (Conduct) Rules, 1965, took a lenient view, keeping in mind that the Appellant did not derive benefit of any monetary kind or otherwise in service.
3. That was the primary reason why the order of punishment withholding two increments with cumulative effect was held to be disproportionate and so set aside.

4. We are not satisfied that the learned Single Judge's decision to remand the matter for consideration for imposition of the minor punishment can be said to be bad in law in the given facts and circumstances since it was not a case of no evidence.
5. The appeal has no merit. It is dismissed.

Sd/-
(Ajay Kumar Tripathi)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge