

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 5698 of 2019**

Aadiram Singh S/o Late Shri K.R. Singh Aged About 48 Years R/o Q.No. 03, Near Mahila Thana, Raipur, Police Station- Civil Line, Tahsil And Distirct- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Home/ Police, Mahandi Bhawan, Police Station And Post Office- Rakhi, Atal Nagar, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. Additional Director General Of Police(A.D.G.P.) Chhattisgarh Armed Force(C.A.F.), Police Head Quarter(P.H.Q.), Near Mahanadi Mantralaya, Police Station And Post Office- Rakhi, Atal Nagar, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
3. Inspector General Of Police(I.G.P.) Chhattisgarh Armed Force(C.A.F.), Police Head Quarter(P.H.Q.), Near Mahanadi Mantralaya, Police Station And Post Office- Rakhi, Atal Nagar, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
4. Deputy Inspector General Of Police Station(D.I.G.P) Chhattisgarh Armed Force(C.A.F.), Police Head Quarter(P.H.Q.), Near Mahanadi Mantralaya, Police Station And Post Office- Rakhi, Atal Nagar, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
5. Commandant 3rd Battalion, Chhattisgarh Armed Force(C.A.F.), Amleshvar, Durg, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Abhishek Pandey with Ms. Aarti Manjhi, Advocates
For State	:	Mr. Chandresh Shrivastava, Dy. AG

Hon'ble Shri Justice P. Sam Koshy**Order on Board****05/08/2019**

1. The challenge in the present writ petition is to the order Annexure P-3 dated 01.05.2018. Vide the said impugned order the petitioner has

been inflicted with a penalty of stoppage of one increment with cumulative effect.

2. According to the petitioner the said order has been issued by an incompetent authority as the Officer who has passed the order is not the appointing authority of the petitioner who is working on the post of Assistant Sub Inspector.
3. Perusal of the record shows that petitioner has not preferred any departmental appeal against the said order and have straight way filed the present writ petition.
4. Given the said facts, counsel for the petitioner at this juncture submits that he be permitted to prefer an appeal before the appellate authority and he be also permitted to raise a question of jurisdiction and competency of the officer who has passed the said order.
5. In view of the said submissions made by the counsel for the petitioner, the present writ petition stands disposed off with liberty to the petitioner to within a period of 10 days prefer a departmental appeal before the appellate authority. The appellate authority in turn shall decide the appeal in accordance with rules, particularly, verifying the fact whether the order of punishment has been issued by a competent authority or not in terms of rules governing the field within a period of 60 days from the date of receipt of the appeal to be preferred by the petitioner.
6. With the aforesaid directions, the writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge