IN THE HIGH COURT OF JHARKHAND AT RANCHI

L.P.A. No. 56 of 2026

1. The State of Jharkhand, through its Chief Secretary, having its office at Project Building, Dhurwa, under P.O. & P.S. Dhurwa, District Ranchi (Jharkhand)
2. The Home Secretary, having its office at Project Building, Dhurwa, under P.O. & P.S. Dhurwa, District Ranchi (Jharkhand)
3. The Director General of Police, having its officer at Project Building, Dhurwa, P.O. & P.S. Dhurwa, District Ranchi (Jharkhand)
4. The Inspector General of Police, Latehar, having its office at PGR 6 + MCG, P.O. & P.S. Latehar, District Latehar (Jharkhand)
5. The Superintendent of Police, Latehar, having its office at PGR 6 + MCG, P.O. & P.S. Latehar, District Latehar (Jharkhand)

... Respondents/ Appellants

Versus

Sujeet Kumar, aged about 54 years, son of Krishna Murari Prasad, resident of 263, Bansi Lal Chowk, Malviya Marg, P.O. Hazaribagh, P.S. Hazaribag, District Hazaribagh, Jharkhand

... Petitioner/Respondent

CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE MANOJ PRASAD

For the Appellants: Mr. Sahbaj Akhtar, A.C to A.A.G-III
For the Respondent: Mr. Ankit Vishal, Advocate

04/Dated:28.09.2026

1. Heard Mr. Sahbaj Akhtar, A.C. to A.G.-III for the appellants and Mr. Ankit Vishal, Advocate for the contesting respondent.

2. I.A. No. 895 of 2026 seeks condonation of delay of 165 days in filing the accompanying appeal.

3. The cause shown thus concerned the movement of files, which is ordinarily not accepted as sufficient. However, in this case, Mr. Sahbaj Akhtar pointed out that the respondent was a police officer and the charge against him was that he delayed attending to

the call of duty. As a result, the police could not rescue a person kidnapped by the Naxalites. He pointed out that ultimately such person was killed by the Naxalites.

4. Mr. Sahbaj Akhtar submitted without prejudice that even if the penalty of withholding of one increment and imposing one black mark could have been interfered with on the ground of non-compliance with the principles of natural justice, a liberty was required to be granted to the appellant to proceed further in accordance with law and compliance with principles of natural justice, given the facts in the present case. He submitted that the respondent had delayed reaching the crime spot even earlier.

5. In this case, the I.A., apart from preferring to the movement of files, also prefers to the legal opinions sought for its officers. The legal officers have opined that an appeal is necessary in this matter because it relates to the disciplined forces of the State.

6. On cumulative consideration of the cause shown, we think that this is a fit case for condonation.

7. Accordingly, we condone the delay and dispose of I.A. No. 895 of 2026.

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8. At the request of and with the consent of the learned counsel for the parties, L.P.A. No. 56 of 2026 is taken up for hearing.

9. This L.P.A. is directed against the learned Single Judge's judgment and order dated 15.04.2025 in W.P.(S.) No. 1718 of 2025.

10. By the impugned order, the learned Single Judge quashed and set aside the order dated 09.06.2008, by which a penalty of stoppage of one year's increment, equivalent to one black mark, was imposed on the respondent, who was the petitioner in W.P. (S.) No. 1718 of 2025.

11. In this case, the record shows that the Enquiring Authority had exonerated the respondent. However, the Disciplinary Authority, without recording and furnishing any reasons to the respondent for disagreeing with the Enquiring Authority's findings and without affording the respondent an opportunity to show cause, disagreed with the Enquiring Authority's findings and proceeded to impose a penalty on the respondent by merely recording, inter alia, that even earlier the respondent had delayed reaching the crime spot.

12. The rules applicable in such matters, as well as the principles of natural justice, require that where the disciplinary authority disagrees with the findings recorded by the enquiring authority, the reasons for such disagreement must not only be noted, but also communicated to the delinquent officer.

13. The officer must then be given an opportunity to show cause; only thereafter can any further action be taken against the

delinquent officer. Since none of this was done, we cannot fault the learned Single Judge's order in quashing the penalty and directing consequential benefits.

14. However, the learned Single Judge's order is silent as to the future course of action. Normally, the order grants liberty, or clarifies that the disciplinary authority may proceed in accordance with law from the stage of receipt of the enquiring officer's report. This would mean recording reasons for disagreement and furnishing them to the delinquent officer along with a show cause notice. Only upon consideration of such cause shown, if any, can any further action be taken.

15. Mr Ankit Vishal submitted that after 18 years we should not grant such liberty to the appellants herein. He submitted that the respondent has already suffered all this, particularly because the directions in the learned Single Judge's order have, to date, not been complied with.

16. Now that we are not interfering with the learned Single Judge's impugned order to the extent it quashes the penalty order and awards all consequential benefits, the appellants will have to comply with such directions within a maximum period of four weeks from today without forcing the respondent to file a contempt petition. This cannot be delayed any further.

17. After compliance, and not before, we clarify that nothing in the impugned order would preclude the appellants from proceeding

in accordance with law from the stage of receipt of the enquiry report, if they so choose. If the appellants decide to proceed, we further clarify that all contentions of all parties, including the respondent's contentions regarding delay and prejudice, are expressly kept open.

18. By clarifying as above, we dispose of this appeal without any order as to costs.

(M.S. Sonak, C.J.)

(Manoj Prasad, J.)

September 28, 2026

Pramanik/Anjali

Uploaded on 01.10.2026