CGHC010061762026 2026:CGHC:45025-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 2091 of 2026

1. The Union of India Through The Secretary, Ministry of Communication And It, Sanchar Bhawan, New Delhi.

2. Chief Post Mater General Chhattisgarh Circle, Malviya Road, Raipur, Chhattisgarh.

3. The Assistant Director (Staff) Raipur Circle, O/o Chief Post Master General, Malviya Road, Raipur, Chhattisgarh.

4. The Superintendent of Post Offices Raipur Division, Raipur, Chhattisgarh.

... Petitioner(s)

versus

Punit Ram Ghritlahre S/o Shri Reshamlal Ghritlahre Aged About 32 Years Ex- Bpm, Karhul (Sigma), R/o Village - Karhul, Post - Simga, District - Balodabazar, Chhattisgarh.

...Respondent(s)

(Cause-title taken from Case Information System)

For Petitioners	:	Mr. Ramakant Mishra, Deputy Solicitor General.
For Respondent	:	Mr. B.P. Rao, Advocate.

BRIJMOHAN MORLE
Digitally signed by BRIJMOHAN MORLE
Date: 2026.10.27 10:37:51 +0530

Hon'ble Shri Krushna Ram Mohapatra, Chief Justice

Hon'ble Shri Santosh Sharma, Judge

Order on Board

***Per* Krushna Ram Mohapatra, Chief Justice**

26.10.2026

1. Heard Mr. Ramakant Mishra, learned Deputy Solicitor General, appearing for the petitioners, and Mr. B.P. Rao, learned counsel appearing for the respondent.

2. Petitioners-Union of India, being aggrieved by order dated 28.08.2025 (Annexure P/1) passed by the Central Administrative Tribunal, Jabalpur Bench, Jabalpur (*for brevity 'CAT'*) in Original Application No.203/0063/2021 filed this writ petition, whereby the Original Application filed by the respondent was allowed setting aside the order passed by the Revisional Authority in exercise of power under Rule 19 of the Gramin Dak Sevak (Conduct and Engagement) Rules, 2011 (*for brevity 'the Rules, 2011'*).

3. Mr. Mishra, learned Deputy Solicitor General of India appearing for the petitioners vehemently argued that a disciplinary enquiry was conducted against the respondent for alleged misconduct under the provisions of the Rules, 2011. The charge-sheet was issued on 28.10.2014 and departmental enquiry was conducted. Subsequently, punishment of reduction of two stages lower in TRCA for a period of five years was imposed. The respondent did not challenge the said order in appeal under Rule 14 of the Rules, 2011 within the stipulated time. But the Revisional Authority, in exercise of its power under Rule 19 of the Rules, 2011, modified and enhanced the punishment by removing the respondent from

service. Procedure in terms of the Rule 19 of the Rules, 2011 was followed before enhancement of the punishment on the respondent. No illegality was committed by the Revisional Authority in exercise of power under Rule 19 of the Rules, 2011. However, the learned CAT, relying upon the judgment passed by the Calcutta High Court in the case of ***Union of India vs. Sri Dinesh Chandra Burman & Others*** (in **WPCT No. 134 of 2017** decided on 03.07.2018) allowed the Original Application setting aside the order of imposition of punishment of removal of service on the respondent. Being aggrieved, the Union of India has filed this writ petition.

4. It is fairly submitted by Mr. Mishra, learned Deputy Solicitor General that assailing the order of the Calcutta High Court in the case of ***Sri Dinesh Chandra Burman*** (supra), the Union of India moved the Hon'ble Supreme Court in Special Leave to Appeal (C) No. 6100 of 2019 which was dismissed vide order dated 16.04.2024. He, however, submits that the ratio in the case of ***Sri Dinesh Chandra Burman*** (supra) is not applicable to the case in hand. It is his submission that a revisional power can be exercised even when the delinquent does not challenge the order of punishment in appeal. Tenor and language of Rule 19 of the Rules, 2011 make it clear that the *suo moto* power of revision under Rule 19 of the Rules, 2011 can be exercised at any stage even without exhausting the remedy of an appeal under Rule 14 of the Rules, 2011.

5. In the instant case, the Circle Head, namely, Director, Postal Services, exercised the power under Rule 19 of the Rules, 2011 and enhanced the punishment by removing the respondent from service. Hence, the impugned order is not sustainable as the learned CAT has not

considered these material aspects and solely relying upon the case of ***Sri Dinesh Chandra Burman*** (supra) passed the impugned order.

6. Mr. Rao, learned counsel for the respondent vehemently objects to the same. It is his submission that the order passed by the Calcutta High Court in ***Sri Dinesh Chandra Burman*** (supra) has already been confirmed by the Hon'ble Supreme Court in an appeal preferred by the Union of India in SLP(C) No. 6100 of 2019. Thus, there is no scope to entertain the writ petition at this stage. He further submits that in terms of the provisions of Rule 19 of the Rules, 2011, the *suo moto* exercise of revisional power under Rule 19 of the Rules, 2011 can be made only after expiry of the appeal period of three months and before lapse of six months from the date of the order sought to be revised. In the instant case, the order imposing punishment by downgrading the respondent was passed on 17.08.2016 and the revisional proceeding was initiated by issuing show-cause to the respondent on 26.10.2016 i.e. before expiry of the appeal period of three months. As such, the learned CAT has not committed any error in setting aside the order of removal passed in exercise of Rule 19 of the Rules, 2011.

7. Taking note of submission made by the learned counsel for the parties, this Court feels it proper to reproduce Rule 19 of the Rules, 2011, for ready reference, which is as under:

> "*19. Revision (1) Notwithstanding anything contained in these rules-*
>
> *(i) Regional PMG, for those Gramin Dak Sevaks who work in region headed by PMG; and in the rest of the cases by the Head of the Circle (Chief Postmaster-General),*

(ii) Any other authority immediately superior to the authority passing the orders; or

(iii) Any other authority specified in this behalf by the Government by general or special order, and within such time as may be specified in that general or special order;

may, at any time, either on its own motion or otherwise call for records of any enquiry or disciplinary case and revise an order made under these rules, reopen the case and after making such enquiry as it considers necessary, may-

(a) confirm, modify or set aside the order, or

(b) pass such orders as it deem fit.

Provided that no such case shall be reopened under this rule after the expiry of six months from the date of the order to be revised except by the Government or by the Head of Circle or by the Postmaster-General (Region) and also before the expiry of the time-limit of three months specified for preferring an appeal under rule 14*:*

XXX XXX XXX"

(emphasis supplied)

8. The first proviso to Rule 19 (1) makes it clear that no such case shall be reopened under Rule 19 of the Rules, 2011 after expiry of six months from the date of the order to be revised and before expiry of the time-limit of three months specified for preferring and appeal under Rule 14 of the Rules, 2011. Mr. Mishra, learned DSGI also does not dispute the same.

9. In the instant case, admittedly, Revisional Authority reopened the proceeding by resorting to Rule 19 of the Rules, 2011 before expiry of time-limit of appeal of three months. As submitted by Mr. Rao, learned counsel for the respondent and as it would reveal from the record that the order of punishment by the Disciplinary Authority was passed on 17.08.2016 and the power under Rule 19 of the Rules, 2011 was exercised

by the Revisional Authority by issuing show-cause notice to the respondent on 26.10.2016. Mr. Mishra, learned DSGI also does not dispute the same.

10. In the instant case, the Revisional Authority exercised the power under Rule 19 of the Rules, 2011 before the expiry of time-limit of appeal of three months specified in Rule 14 of the Rules, 2011. These aspects were neither examined by the learned CAT nor referred to in the impugned order. However, the conclusion arrived at by the learned CAT is not influenced by such non-consideration.

11. On cumulative assessment of facts and circumstances of the case and on perusal of the records, more particularly the proviso to Rule 19 of the Rules, 2011, makes it clear that the Revisional Authority could not have exercised the power of revision under Rule 19 of the Rules, 2011 before expiry of the time-limit of appeal of three months as provided under Rule 14 of the Rules, 2011.

12. In view of the above, we are not inclined to interfere with the impugned order under Annexure P/1. As such, the writ petition being devoid of any merit stands **dismissed**.

Sd/-
(Santosh Sharma)
Judge

Sd/-
(Krushna Ram Mohapatra)
Chief Justice

Brijmohan