CGHC010389042026 2026:CGHC:43339

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7248 of 2026

Ashok Yadav S/o Shri Omprakash Yadav Aged About 35 Years Posted As Assistant Grade 3, Headquarters Directorate Of Employment And Training (Training Wing), Nava Raipur, Atal Nagar, Chhattisgarh.

SHOAIB ANWAR Digitally signed by SHOAIB ANWAR Date: 2026.10.07 17:09:35 +0530

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through Secretary, Department Of Employment And Training, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, Chhattisgarh.

2 - Director Directorate Of Employment And Training, Naya Raipur, Atal Nagar, Distt. Raipur, Chhattisgarh.

3 - Deputy Director/ Inquiry Officer Directorate Of Employment And Training, Naya Raipur, Atal Nagar, Chhattisgarh.

4 - The Collector Raipur, Distt. Raipur, Chhattisgarh.

5 - The Zone Commissioner Office Of Zone Number-6, Municipal Corporation, Raipur, Distt. Raipur, Chhattisgarh.

... Respondent(s)

(Cause title taken from CIS)

For Petitioner(s)	:	Shri Ajay Kumrani, Advocate
For Respondent(s)	:	Shri Shahil Singh, Panel Lawyer
For Corporation	:	Shri Pankaj Agrawal, Advocate

Hon'ble Shri Bibhu Datta Guru, Judge

Order on Board

07.10.2026

1. Petitioner has filed this writ petition seeking following reliefs:-

" 10.1 Issue an appropriate writ, order or direction and quash and set aside the impugned order dated 20.07.2026 passed by respondent No.2 whereby the petitioner's appeal/representation dated 06.07.2026 has been rejected on the ground of limitation.

10.2 Direct the competent appellate authority to reconsider the petitioner's appeal/representation dated 06.07.2026 in accordance with Rule 25 of the Chhattisgarh Civil Services (Classification, Control and Appeal) Rules, 1966, after granting the petitioner a reasonable opportunity to file an application/affidavit

explaining the delay and thereafter pass a reasoned and speaking order in accordance with law.

10.3 Grant any other relief(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

2. Learned counsel for the petitioner submits that the petitioner, a Class-III Government employee, was deputed for COVID-19 contact tracing duty pursuant to the orders of the Collector, Raipur and continuously discharged his duties at Zone No.06, Municipal Corporation, Raipur. Subsequently, he was placed under suspension vide order dated 15.09.2021 and departmental proceedings were initiated vide charge-sheet dated 25.10.2021. Learned counsel submits that the Inquiry Officer submitted his report dated 22.04.2022, wherein the charges were not found proved. Despite the same, the disciplinary authority passed the punishment order dated 16.11.2022 imposing withholding of two increments without cumulative effect.

3. Being aggrieved, the petitioner earlier approached this Court in WPS No.4472/2026, which was withdrawn on 17.06.2026 with liberty to approach the appropriate forum in accordance

with law. Petitioner has submitted a representation before the Director on 06.07.2026 against the order of imposing punishment dated 16.11.2022. The representation submitted by petitioner was considered to be an appeal and the Director has dismissed the appeal observing that it was submitted beyond 45 days as provided under Rule 25 of the Civil Services (Classification, Control and Appeal) Rules, 1966 (for short "Rules of 1966"). Learned counsel submits that as the petitioner has only submitted a representation and not an appeal, therefore, he has not filed application stating reasons for delay.

4. Learned State counsel submits that under Rule 25 of the Rules of 1966 specific time limit is provided to file an appeal challenging the order of punishment imposed against an employee. From perusal of the documents available in the writ petition, it is appearing that the order of punishment is dated 16.11.2022 whereas the representation is submitted on 06.07.2026. The Director has taken lenient view and considered the representation as an appeal and passed order.

5. I have heard learned counsel for the parties.

6. From Perusal of order Annexure P-1 would show that the appellate authority has also treated the representation as appeal. Undisputedly, the order of punishment is dated 16.11.2022 and the petitioner has submitted representation on 06.07.2026.

7. From perusal of two documents it is appearing that as the petitioner has not submitted an appeal as provided under Rule 23 of the Rules of 1966, therefore, he may not have filed an application for condonation of delay in filing an appeal assigning reasons of delay. The appellate authority if considered the representation submitted by petitioner as an appeal then he ought to have granted an opportunity to petitioner to make submission on the delay in filing appeal which was not granted as is appearing from Annexure P-1. Employees were having statutory remedy available under the Rules of 1966 of preferring an appeal and further Rule 25 of the Rules of 1966 envisages and provides the appellate authority with a discretion to condone the delay in filing appeal if satisfactory reason is assigned by the employee for condoning delay.

8. In the opinion of this Court, appellate authority has erred in not informing the employee that his representation is being treated as an appeal and he has not assigned reasons for filing appeal with delay and therefore in the opinion of this court, petitioner is entitle for an opportunity to explain delay in accordance with law.

9. In view of aforementioned facts of the case, discussions made above, appellate authority erred in dismissing the representation of petitioner treating it to be appeal without informing the petitioner that he is also required to file an application for condonation of delay in filing appeal/ representation.

10. For the foregoing, impugned order Annexure P-1 dated 20.07.2026 is set aside and the matter is remitted back to the Respondent No. 2/ Director, Directorate of Employment & Training, Naya Raipur to reconsider the representation/ appeal submitted by petitioner providing petitioner an opportunity to submit an application for condonation of delay assigning reasons and the appellate authority shall consider the said application in accordance with law and to pass an order afresh.

11. Accordingly, this writ petition stands disposed of with the aforesaid observation and direction.

Sd/-

(Bibhu Datta Guru)
JUDGE

Shoaib