



NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**WPS No. 1178 of 2023**

**Order Reserved on: 9.2.2026**

**Order Delivered on: 16.4.2026**

**1** - Sumit Singh S/o Late Shri Phool Singh Aged About 35 Years R/o.  
G-2, Vardhman Green Park, Ashoka Garden Bhopal (M.P.).

**... Petitioner(s)**

**versus**

**1** - State Of Chhattisgarh Through The Secretary Department Of Home,  
Indrawati Bhawan Capital Complex, Atal Nagar, New Raipur, District :  
Raipur, Chhattisgarh.

**2** - Director General Of Police, Police Head Quarter, New Raipur,  
District : Raipur, Chhattisgarh.

**3** - Inspector General Of Police, Raipur Range, Shankar Nagar, Raipur,  
District : Raipur, Chhattisgarh.

**4** - Superintendent Of Police, Raipur, District : Raipur, Chhattisgarh

**... Respondent(s)**

For Petitioner(s)	:	Mr. K.N. Nande, Advocate.
For Respondent(s)/State	:	Mr. Arpit Agrawal, Panel Lawyer.

**Hon'ble Mr. Justice Amitendra Kishore Prasad**

**C A V Order**

1. By way of this writ petition, the petitioner has prayed for following reliefs:-

*"1-That the Hon'ble Court may be kind enough to call for the records of the petitioner.*

*2-That the Hon'ble Court may be kind enough to issue any appropriate writ/writs, direction/ directions, order/ orders to the respondents and to quash the impugned dismissal orders Annexure P-1 to P-3.*

*3-That the Hon'ble Court may be kind enough to pass any other writ, order or direction in the facts and circumstances of the case by awarding reinstatement to the petitioner in view of the acquittal in the criminal case with full back wages and costs of the case.*

*4-That the Hon'ble Court may be kind enough to pass any other writ, order or direction that may be deemed fit and just in the facts and circumstances of the case."*

2. Brief facts of the case, is that, the petitioner was appointed to the post of Constable on compassionate grounds on 21.07.2007 consequent upon the untimely demise of his father, Late Phool Singh, who was serving under the respondents and passed away on 30.04.2007 while in service. The petitioner thereafter continuously and diligently discharged his official duties, however, at a later stage, he was placed under suspension on the allegation of having violated Para 64(2) of the Police Regulations, and a charge-sheet was issued against him. The petitioner duly submitted a detailed reply to the said charge-sheet on 16.05.2015, placing on record his defence. Notwithstanding the same, a

departmental enquiry was initiated by the City Superintendent of Police in a manner alleged to be contrary to the principles of natural justice and in violation of the mandatory provisions of the Chhattisgarh Civil Services (Classification, Control and Appeal) Rules, 1966 as well as the Chhattisgarh Civil Services (Conduct) Rules, 1965. Ultimately, respondent No. 4 passed the impugned order dated 04.05.2016 terminating the services of the petitioner. Aggrieved thereby, the petitioner preferred a statutory appeal before the Inspector General of Police (respondent No. 3), which came to be dismissed on 04.05.2017. The petitioner further pursued his remedy by filing an appeal before respondent No. 2 on 16.08.2016, which too was dismissed vide order dated 08.10.2021. It is pertinent to submit that in the meanwhile, the petitioner was honorably acquitted on 12.02.2020 by the learned Judicial Magistrate First Class, Raipur in Criminal Case No. 3975/2015. Subsequent to his acquittal, the petitioner submitted representations dated 03.03.2021 and 17.05.2022 before respondent No. 2 seeking reinstatement and quashing of the dismissal order, however, the said representations were rejected vide order dated 22.07.2022, compelling the petitioner to approach this Hon'ble Court by way of the present petition.

3. Learned counsel for the petitioner submits that the impugned orders dated 04.05.2016, 04.05.2017, 08.10.2021 and 22.07.2022 are illegal and void ab initio, having emanated from a departmental enquiry that was initiated and conducted under

duress and coercion, in flagrant violation of the principles of natural justice and vitiated by manifest bias, and are therefore liable to be set aside. It is contended that the entire enquiry was purportedly conducted under the Civil Services Rules, which have admittedly not been adopted by the respondents, thereby rendering not only the charges levelled against the petitioner wholly unsustainable in law but also vitiating the entire enquiry proceedings and the consequential order of dismissal passed by respondent Nos. 2 to 4. In this backdrop, learned counsel emphatically urges that Regulation 241 mandates reinstatement as a rule where an accused police officer stands acquitted, and when this statutory mandate is read in conjunction with the glaring procedural irregularities and jurisdictional infirmities committed by the disciplinary authority, and in light of the settled judicial precedents laid down by the Hon'ble Supreme Court, the only just, fair and equitable course open to this Hon'ble Court is to quash the impugned orders and direct the petitioner's immediate reinstatement with full back wages and all consequential service benefits. It is further submitted that respondent No. 4 acted with predetermined bias from the very inception, inasmuch as the petitioner's application seeking supply of relevant and material documents to enable him to file an effective reply to the charge-sheet was neither duly considered nor complied with, and the enquiry was conducted in gross contravention of Rule 14(2) and Rule 14(5) of the Rules, 1966, without any formal appointment of

an Enquiry Officer and Presenting Officer by the competent disciplinary authority. It is also urged that material documents essential for the preparation of an effective defence were deliberately withheld, thereby causing grave and irreparable prejudice to the petitioner, who was further denied the assistance of a defence representative and was not furnished with relevant documents either along with the charge-sheet or at the commencement of the enquiry. The Enquiry Officer, it is submitted, adopted an arbitrary, unfair and legally impermissible procedure, thereby depriving the petitioner of a reasonable and meaningful opportunity to contest the charges and advance his defence, which renders the entire enquiry proceedings, the findings recorded therein, and the consequential impugned orders wholly unsustainable in law and liable to be quashed. He has placed reliance upon the judgment passed by the Hon'ble Supreme Court in the matters of ***Maharana Pratap Singh vs. State of Bihar and others, 2025 INSC 554, Capt. M. Paul Anthony vs. Bharat Gold Mines Ltd, (1999) 3 SCC 679 & Ramlal vs. State of Rajasthan, (2024) 1 SCC 175.*** He has also placed reliance upon the judgment passed by the High Court of Madhya Pradesh in the matter of ***Panna Mehta vs. State of M.P., 2002 (4) M.P.H.T. 226*** and also reliance upon the judgment in the matter of ***G.M. Tank vs. State of Gujarat.***

4. On the other hand, learned counsel for the State submits that the petition is wholly misconceived and devoid of merit. It is

contended that the petitioner, while posted as Head Constable, proceeded without authorization on 18.10.2014 and was allegedly involved in assault, intimidation, and extortion, leading to registration of Crime No. 599/2014 under Sections 384/34 IPC. Owing to his unauthorized conduct in violation of Police Regulation 64(2), he was suspended and subjected to a regular departmental enquiry after his explanation was found unsatisfactory. A detailed charge-sheet and all relevant documents were duly supplied, full opportunity of hearing and defence was afforded, and no objection regarding violation of natural justice was raised during the enquiry. Upon proof of charges, the disciplinary authority imposed the penalty of removal from service in accordance with the applicable rules, and both the statutory appeal and mercy appeal were dismissed. It is further submitted that the petitioner's acquittal in the criminal case on benefit of doubt does not entitle him to reinstatement, as departmental proceedings operate on the principle of preponderance of probabilities and were conducted independently. Accordingly, the writ petition, being devoid of merit, deserves to be dismissed.

5. I have heard learned counsel for the parties and perused the material available on record.
6. Upon a perusal of the charges framed against the petitioner, it appears that the petitioner, without obtaining prior authorization or informing his superior officers, undertook the investigation of a criminal case relating to offences under the NDPS Act. The

allegations indicate that one Kasim was involved in the illegal sale of contraband ganja, an activity which fell outside the territorial and functional jurisdiction of the petitioner. Despite this, the petitioner, who was serving as a police constable bearing R. No. 1954 and was posted at the Reserve Police Centre, proceeded on 18/10/2014 to conduct a search operation in connection with the said allegation, thereby acting beyond the scope of his assigned duties and authority.

7. During the course of the said operation, the petitioner was found to have acted in contravention of Para 60 of the Police Regulations Act. Although the petitioner sought to justify his actions by asserting that he had acted pursuant to oral instructions allegedly issued by Platoon Commander Jitendra Sori, such a claim was not substantiated by any cogent or reliable evidence on record. Furthermore, the petitioner categorically denied having proceeded to Village Dunda, falling within the jurisdiction of Tikrapara Police Station; however, in light of the material available, this denial was found to be untenable and lacking in credibility. Consequently, the defence put forth by the petitioner was not accepted as trustworthy or convincing.
8. Para 64(2) of the Police Regulations Act, as applicable, further clarifies the procedural requirements. The petitioner also raised a ground that he was not afforded proper opportunity of hearing and that relevant documents were not supplied to him, thereby prejudicing his defence. However, from the perusal of the

departmental enquiry, it appears that the petitioner was supplied with documents, given opportunity to lead evidence, and to cross-examine witnesses, which he availed. The petitioner has not shown any material to establish that non-supply of any specific document caused prejudice to his case.

9. The petitioner, in his reply to the show cause notice, expressly admitted that he had undertaken the search operation pursuant to oral directions allegedly issued by Platoon Commander Jitendra Kori. However, during the course of the departmental enquiry, he resiled from this position and denied having acted on such instructions, instead asserting that he had independently proceeded to Tikrapara to conduct the search operation. This contradictory stand taken by the petitioner undermines the credibility of his defence and renders his explanation wholly untenable. In the absence of any satisfactory or consistent justification, his conduct cannot be accepted as lawful or proper, and accordingly, the alleged misconduct stands duly established.
10. The next question that arises for consideration is whether the punishment imposed upon the petitioner is disproportionate to the nature and gravity of the misconduct alleged against him. It is pertinent to note that, arising out of the same incident, an FIR was registered against the petitioner for offences punishable under Sections 384 read with 34 of the IPC, pursuant to which he remained in judicial custody for a period of 12 days. However, in the said criminal proceedings, the petitioner was ultimately

acquitted on the ground of benefit of doubt. While it is well settled that an acquittal in a criminal case does not ipso facto exonerate an employee from liability in departmental proceedings, the judgment rendered in the criminal case nonetheless reflects that the prosecution was unable to establish the petitioner's guilt beyond reasonable doubt, thereby lending a degree of uncertainty to the allegations underlying the disciplinary action.

11. Thus, upon a comprehensive consideration of the aforesaid aspects and circumstances, it can reasonably be inferred that a degree of doubt persists with respect to the alleged incident and the petitioner's involvement therein. Nevertheless, it cannot be overlooked that the petitioner, on his own accord, proceeded to undertake a search operation without obtaining prior authorization or permission from the competent authority, thereby acting beyond the scope of his assigned duties. Such conduct, irrespective of the surrounding doubts relating to the substantive allegations, clearly constitutes misconduct and warrants appropriate disciplinary scrutiny.
12. In view of the foregoing analysis, it is evident that although the misconduct on the part of the petitioner stands established to the limited extent that he undertook a search operation without obtaining prior authorization or permission, the imposition of the extreme penalty of removal from service appears to be disproportionate to the nature and gravity of the proved misconduct. The disciplinary authority, while determining the

quantum of punishment, ought to have duly considered the attendant facts and circumstances of the case and examined whether the ends of justice would have been adequately served by the imposition of a lesser or more proportionate penalty.

13. The Hon'ble Supreme Court in the matter of ***Union of India and others vs. Const Sunil Kumar, (2023) 3 SCC 622***, the Hon'ble Supreme Court has observed as under:-

*“11..... In Surinder Kumar [CRPF v. Surinder Kumar, [(2011) 10 SCC 244] while considering the power of judicial review of the High Court in interfering with the punishment of dismissal, it is observed and held by this Court after considering the earlier decision in Union of India v. R.K. Sharma [Union of India v. R.K. Sharma, (2001) 9 SCC 592 : 2002 SCC (Cri) 767] that in exercise of powers of judicial review interfering with the punishment of dismissal on the ground that it was disproportionate, the punishment should not be merely disproportionate but should be strikingly disproportionate. As observed and held that only in an extreme case, where on the face of it there is perversity or irrationality, there can be judicial review under Articles 226 or 227 or under Article 32 of the Constitution.*

*13. ....As per the settled position of law, even in a case where the punishment is found to be disproportionate to the misconduct committed and proved, the matter is to be remitted to the disciplinary authority for imposing*

*appropriate punishment/penalty which as such is the prerogative of the disciplinary authority. ....”*

14. The Hon'ble Supreme Court in the matter of **State of Karnataka and another vs. Umesh, (2022)6 SCC 563**, the Hon'ble Supreme Court has observed as under:-

*“22. In the exercise of judicial review, the Court does not act as an appellate forum over the findings of the disciplinary authority. The court does not reappreciate the evidence on the basis of which the finding of misconduct has been arrived at in the course of a disciplinary enquiry. The Court in the exercise of judicial review must restrict its review to determine whether:*

- (i) the rules of natural justice have been complied with;*
- (ii) the finding of misconduct is based on some evidence;*
- (iii) the statutory rules governing the conduct of the disciplinary enquiry have been observed; and*
- (iv) whether the findings of the disciplinary authority suffer from perversity; and*
- (v) the penalty is disproportionate to the proven misconduct. [State of Karnataka v. N. Gangaraj, (2020) 3 SCC 423 : (2020) 1 SCC (L&S) 547; Union of India v. G. Ganayutham, (1997) 7 SCC 463 : 1997 SCC (L&S) 1806; B.C. Chaturvedi v. Union of India, (1995) 6 SCC*

749 : 1996 SCC (L&S) 80; *R.S. Saini v. State of Punjab*,  
 (1999) 8 SCC 90 : 1999 SCC (L&S) 1424 and *CISF v.*  
*Abrar Ali*, (2017) 4 SCC 507 : (2018) 1 SCC (L&S) 310]”

15. The High Court of Madhya Pradesh in the matter of ***Vijay Singh Bhadauriya vs. State of Madhya Pradesh and others***, 2025 SCC Online MP 3832, the High Court of Madhya Pradesh has observed as under:-

*“12. So far as the findings of Inquiry Officer are concerned, the same has been recorded on the basis of material available on record and inadequacy of evidence cannot be subject matter of judicial review and the High Court can interfere with the order of punishment only in case of violation of the provisions of rules or principles of natural justice are proved. This court cannot exercise its jurisdiction in a petition under Article 226 of the Constitution of India as appellate authority. This court can interfere only if statutory rules or regulations are found to be violated. When the law permits the competent authority to take action against the delinquent person for his misconduct, no interference in the finding is called for. Consequently, so far as the finding of misconduct is concerned, we are in agreement with the Disciplinary Authority.*

*13. However, looking to the charge of misconduct, the punishment of dismissal appears to be disproportionate.*

*The allegation against the petitioner was that he failed to reach at VIP Guest House on time and therefore, the Judge of Allahabad High Court could not board the train as scheduled. In our considered opinion allegation is not sufficient for dismissal of the delinquent from the service.*

*14. The punishment of removal from the service is in outrages defines of logic and is shocking and if the punishment imposes by the Disciplinary Authority shocks the conscious of the Court, it would be appropriate to direct the Disciplinary Authority to reconsider the penalty imposed and to impose appropriate punishment with cogent reasons in support thereof.*

*15. For the aforesaid reasons, though we uphold the findings of misconduct but set aside the quantum of punishment and remit the matter to the disciplinary authority to reconsider the quantum of punishment in the light of allegation of misconduct proved against the petitioner. Said exercise be completed within a period of three months from the date of receipt of certified copy of this order. Petitioner will be reinstated with immediate effect, however, he will not be entitled for back wages applying the principle of "no work no pay".*

16. Applying the aforesaid law laid down by the Hon'ble Supreme Court and upon due consideration of the facts and circumstances of the present case, this Court is of the considered opinion that

the punishment imposed upon the petitioner is disproportionate; even if it is assumed that the petitioner conducted a search without proper authorization, such an act, by itself, cannot be construed as misconduct of such gravity as to warrant the extreme penalty of removal from service. It is a well-settled principle of law that where the punishment imposed by the Disciplinary Authority shocks the conscience of the Court, it is both appropriate and necessary to direct the Disciplinary Authority to reconsider the quantum of punishment and to impose a suitable and proportionate penalty, supported by cogent and reasoned justification.

17. In this regard, it is also settled preposition of law that in disciplinary proceeding, High Court ought not to interfere in punishment imposed upon delinquent employee, as disciplinary / appellate authority have exclusive power to impose penalty because they are duty bound to maintain discipline, unless penalty is found to be shockingly disproportionate, which strike conscience of the Court.
18. Accordingly, while affirming and upholding the finding of misconduct against the petitioner, the matter is **remitted** to the competent authority for the limited purpose of reconsideration of the quantum of punishment. The said authority shall undertake a fresh evaluation of the penalty imposed, including, inter alia, the propriety of the order of removal from service as well as the manner in which the period of suspension is to be treated, and

shall thereafter pass a well-reasoned and speaking order strictly in accordance with the provisions of law.

19. Accordingly, the writ petition is disposed of.

Sd/-  
**(Amitendra Kishore Prasad)**  
**Judge**

The date when the judgment is reserved	The date when the judgment is pronounced	The date when the judgment is uploaded on the website	
		Operative	Full
9.2.2026	16.4.2026	-	16.4.2026

Raghu Jat