CGHC010309282026 2026:CGHC:41456

AFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 6103 of 2026

Prabhawati Patel D/o Bedram Patel Aged About 32 Years Posted As Assistant Draftsman At Rural Engineering Services, Division Korba, District Korba, C.G.

Petitioner(s)

Versus

1 - State Of Chhattisgarh Through Its Secretary, Panchayat And Rural Development Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District- Raipur, C.G.

2 - Engineer In Chief Rural Engineering Services Office Of Development Commissioner Vikash Bhawan Sector-19, Naya Raipur District Raipur, C.G.

3 - Collector Korba, District Korba, C.G.

4 - Superintendent Engineer Rural Engineering Services, Bilaspur Circle District- Bilaspur, C.G.

5 - Executive Engineer Rural Engineering Services, Korba Division, District- Korba, C.G.

6 - Chief Executive Officer Zila Panchayat Korba, District- Korba, C.G.

Respondent(s)

(Cause-title taken from CIS)

For Petitioner(s)	:	Ms. Zainab Mustafa Vanak, Advocate
For Resp/State	:	Mr. Shaleen Singh Baghel, Govt. Adv.
For Resp No.6	:	Mr. Rahul Sahu, Advocate

(HON'BLE SHRI JUSTICE BIBHU DATTA GURU)

Order on Board

23/09/2026

1. The petitioner has called in question the legality and validity of the impugned order dated 11.06.2026, whereby the penalty of withholding of one annual increment without cumulative effect has been imposed upon her, principally contending that the said order has been passed in gross violation of Rule 16(1)(a) of the Chhattisgarh Civil Services (Classification, Control and Appeal) Rules, 1966 (for short 'the CCA Rules'), inasmuch as no written proposal to take disciplinary action, along with the imputations of misconduct, was served upon the petitioner and no reasonable opportunity was afforded to her to submit the representation/defence before the penalty was imposed.

2. Learned counsel for the petitioner submits that the petitioner, who is working as Assistant Draftsman, has been imposed with the penalty of withholding of one annual increment without cumulative effect vide impugned order dated 11.06.2026 passed by respondent No.6/Chief Executive Officer, Zila Panchayat, Korba. It is contended that the impugned order has been passed without affording any opportunity to the petitioner to submit her explanation/representation against the proposed action, as contemplated under Rule 16 of the Chhattisgarh Civil Services (Classification, Control and Appeal) Rules, 1966 (for short, 'the Rules of 1966'). Learned counsel for the petitioner further submits that the allegations against the petitioner arise out of the information presented during the review meeting with regard to the progress of certain construction works. In fact, the said review meeting took place on 10.6.2026 and just within 24 hours the order impugned passed on 11.6.2026. According to the petitioner, the information was compiled on the basis of the material and information supplied by the concerned field officials and was placed before the authorities in discharge of her official duties. It is submitted

that the petitioner was never informed, prior to imposition of the penalty, of any specific proposal to take disciplinary action against her nor was she afforded a reasonable opportunity to explain the circumstances in which the alleged discrepancy had occurred. In support of her contention, she would place reliance upon the decision rendered by the Supreme Court in the matter of ***O.K. Bhardwaj v. Union of India (UOI) & Ors. (Civil Appeal No. 12774/1996 decided on 04.10.1996*** and would submit that even in a case of minor penalty an opportunity has to be given to the delinquent employee to have his/her say or to file explanation with respect to the charges against him/her. She would also submit that this is the minimum requirement of the principle of natural justice and the said requirement cannot be dispensed with.

3. Learned State counsel as well as counsel for respondent No. 6 oppose the petition and submits that the petitioner was responsible for presenting the information before the competent authority and that the information so presented was found to be incorrect. It is contended that the lapse on the part of the petitioner constituted negligence in discharge of her official duties and, considering the nature of the lapse, the minor penalty imposed upon her does not call for interference. It is further submitted that the petitioner subsequently submitted a representation, which was duly considered by the competent authority.

4. I have heard learned counsel for the parties and perused the material available on record.

5. The issue which arises for consideration is whether the impugned order imposing the penalty of withholding of one annual increment without

cumulative effect could have been passed without following the procedure prescribed under Rule 16 of the CCA Rules.

6. Rule 16 (1)(a) of the CCA Rules reads as under:-

> ***"16. Procedure for imposing minor penalties.-*** *(1) Subject to the provisions of sub-rule (3) of Rule 15, no order imposing on a Government servant any of the penalties specified in clause (i) to (iv) of Rule 10 and Rule 11 shall be made except after -*
>
> > *(a) informing the Government servant in writing of the proposal to take action against him and of the imputations of misconduct or misbehavior on which it is proposed to be taken, and giving him a reasonable opportunity of making such representation as he may wish to make against the proposal;*
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> xxxxx xxxxx xxxxx xxxxx"

7. The penalty imposed upon the petitioner is a minor penalty. Rule 16(1)(a) of the CCA Rules contemplates that before imposing such penalty, the Government servant is required to be informed in writing of the proposal to take action against him/her and of the imputations of misconduct or misbehaviour on which such action is proposed to be taken, and is required to be afforded a reasonable opportunity of making such representation as he/she may wish to make against the proposal.

8. The safeguard contained in Rule 16(1)(a) is not a mere procedural formality. The provision embodies the fundamental requirement of fairness that, before a penalty is imposed upon a Government servant, the employee must have an effective opportunity to meet the allegations and place his/her explanation before the disciplinary authority.

9. Though learned counsel for the respondent would submit that the order impugned has been passed alleging misconduct against the petitioner, he failed to offer any explanation as to why no notice or opportunity of hearing afforded to the petitioner.

10. In the present case, the review meeting took place on 10.6.2026 and just within 24 hours the order impugned passed on 11.6.2026. Even otherwise, the material placed on record does not demonstrate that, prior to passing the impugned order dated 11.06.2026, the petitioner was served with any written proposal proposing imposition of the penalty, together with the imputations of misconduct, or that she was afforded a reasonable opportunity to submit her representation against such proposed action.

11. On the contrary, the sequence of events emerging from the record shows that the penalty order was passed on 11.06.2026 and the petitioner thereafter submitted her representation on 15.06.2026. Thus, the opportunity relied upon by the respondents was admittedly subsequent to the passing of the impugned penalty order.

12. Such subsequent representation cannot be treated as compliance with Rule 16(1)(a). The statutory requirement is of an opportunity being afforded before the proposed penalty is imposed, so that the explanation furnished by the employee may be considered by the disciplinary authority while deciding whether any penalty is warranted and, if so, what penalty ought to be imposed.

13. The fact that the penalty imposed is a minor penalty does not dispense with the mandatory requirement of Rule 16. Likewise, the contention that the alleged lapse was apparent from the proceedings of the review meeting cannot,

by itself, substitute the statutory opportunity contemplated under Rule 16(1)(a). It is also significant that the petitioner disputes the factual basis of the alleged misconduct and has asserted that the information placed before the authorities was compiled from the information supplied by the concerned field officials. The respondents, on the other hand, attribute responsibility for the correctness of such information to the petitioner. These disputed aspects were required to be considered after affording the petitioner an effective opportunity to explain her position in accordance with the procedure prescribed by the Rules.

14. This Court is, therefore, of the considered view that the impugned order suffers from violation of the mandatory procedural requirement prescribed under Rule 16(1)(a) of the Rules of 1966. Once the statutory opportunity contemplated under the Rules was not afforded before imposition of the penalty, the impugned order cannot be sustained merely on the ground that the penalty imposed is a minor one.

15. In view of the aforesaid discussion, this Court is of the considered view that the impugned order dated 11.06.2026, imposing upon the petitioner the penalty of withholding of one annual increment without cumulative effect, has been passed in clear breach of the mandatory requirement contained in Rule 16(1)(a) of the CCA Rules. The petitioner was neither informed in writing of the proposal to take disciplinary action against her along with the imputations of misconduct nor afforded a reasonable opportunity to submit her representation before the penalty was imposed. The subsequent representation submitted by the petitioner after passing of the impugned order cannot cure the aforesaid fundamental procedural infirmity. The denial of the statutory

opportunity has, therefore, vitiated the impugned order, rendering the same unsustainable in law.

16. Acccordingly, the impugned order dated 11.06.2026, whereby the petitioner has been inflicted with the penalty of withholding of one annual increment without cumulative effect, is hereby quashed and set aside. Consequences would follow. However, the competent disciplinary authority shall be at liberty to proceed afresh, if so advised and permissible in law, strictly in accordance with the CCA Rules.

17. In the result, the writ petition is allowed to the above extent.

Sd/-

(BIBHU DATTA GURU)
JUDGE

Rahul

HEAD NOTE

Even in a case of minor penalty, delinquent employee is required to be afforded an opportunity to meet the allegations and submit his explanation and such opportunity is the minimum requirement of the principles of natural justice and the statutory requirement cannot be dispensed with.