
(2018) 03 CHH CK 0155
In the Chhattisgarh High Court
Case No : Writ Petition No. 3654 of 2004

SMT. KUSUM PANDEY

APPELLANT

Vs

STATE OF CHHATTISGARH

RESPONDENT

Date of Decision : 12-03-2018

Acts Referred:

Citation : (2018) 03 CHH CK 0155

Hon'ble Judges : SANJAY K. AGRAWAL

Bench : Single Bench

Advocate : Sunil Otwani, D.R. Minj

Final Decision : Allowed

Judgement

1. Learned counsel for the petitioners would submit that the original petitioner was inflicted with penalty of stoppage of two increments with

cumulative effect by order dated 24-03-2004 but the said order has been set aside by the Director General of Police by the impugned order without giving opportunity of hearing.

2. On the other hand, learned State counsel would oppose the petition.

3. A perusal of the aforesaid provision would show that the revising authority in order to vary or reverse the order, is required to serve notice to the

party interested and to afford an opportunity of being heard. A careful perusal of the impugned order would show that the revising authority without

service of notice and without giving an opportunity of being heard, set aside the order dated 24-03-2004 which is unsustainable and bad in law.

4. It would be appropriate to notice clause 270(4) of the Chhattisgarh Police Regulation which reads as under: 270.

(1) xxx xxx xxx xxx

(2) xxx xxx xxx xxx

(3) xxx xxx xxx xxx

(4) The revising authority may for reason to be recorded in writing exonerate or may remit vary of enhance the punishment imposed or may order a

fresh enquiry of the taking of further evidence in the case: Provided that it shall not vary or reverse any order unless notice has been served on the

parties interested and opportunity given to them for being heard.â??

5. In view of the above discussion, the impugned order is set aside and the matter is remitted back to respondent No.3 to consider and to pass a fresh

order after noticing and giving opportunity of hearing to the L.Rs. of the original petitioner within three months from the date of receipt of a copy of

this order.

6. The writ petition is allowed to the extent indicated hereinabove.