



CGHC010148472026



2026:CGHC:32801-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WA No. 637 of 2026

1 - State Of Chhattisgarh Through Its Secretary, Department Of Home, Mantralay, Mahanadi Bhawan, Naya Raipur, Atal Nagar, District Raipur, Chhattisgarh

2 - The Director, Jail And Correctional Services, Head Quarter, Sector 19, Nava Raipur, Atal Nagar, District Raipur, Chhattisgarh

3 - The Jail Superintendent, Central Jail Raipur, District Raipur, Chhattisgarh

... Appellants

versus

Lakhan Lal Jaiswal S/o Late Puran Lal Jaiswal Aged About 31 Years
R/o Jail Colony, G-Block Room No. 09, Raipur, District - Raipur (C.G.)

... Respondent

For Appellant : Mr.P.K.Bhaduri, Deputy Advocate General

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Judgment on Board

Per Ramesh Sinha, Chief Justice

30.07.2026

1. Heard learned Deputy Advocate General for the appellant on I.A.No.02/2026, which is an application for condonation of delay of 23 days in filing the appeal.

2. On due consideration, I.A.No.02/2026 is allowed. Delay of 23 days in filing the present appeal is condoned.
3. The appellants/State have filed this writ appeal against the order dated 31.01.2026 passed by the learned Single Judge in WPS No.10280/2025 by which the learned Single Judge has allowed the writ petition filed by the respondent herein.
4. Brief facts necessary for disposal of the case are that the respondent herein was serving on the post of Prahari (Prison Guard) in the Jail Department. On 02.08.2024, he was deputed to escort an undertrial prisoner, namely Roshan Chandrakar, S/o Homendra Chandrakar, to Dr. Bhimrao Ambedkar Memorial Hospital, Raipur (Mekahara Hospital) for medical examination. After the prisoner was medically examined, the respondent herein returned to the jail along with the prisoner at about 4:50 P.M. Subsequently, on the basis of a video allegedly uploaded on social media, the respondent herein was served with a charge-sheet containing two charges. Firstly, it was alleged that while escorting the prisoner to the hospital, the respondent herein was found unauthorizedly roaming with the alleged family members of the prisoner at a restaurant situated at Fafadih, Raipur. Secondly, it was alleged that although the prisoner had been handed over to the respondent herein at about 9:25 A.M. for medical examination, he returned to the jail only at 4:50 P.M., and during the intervening period had allegedly left the prisoner in the hospital and moved

around with the prisoner's family members, thereby acting negligently and creating a possibility of the prisoner's escape.

5. The respondent herein consistently maintained that the charges were vague, indefinite and devoid of material particulars. The charge-sheet did not specify the exact time of the alleged incident, the name of the restaurant, or the identity of the alleged family members of the prisoner. It was further explained that the delay in returning to the jail occurred solely because, after the medical examination, the attending doctor advised that certain diagnostic tests be conducted and directed that the prisoner remain at the hospital until the test reports were made available, as further treatment or admission might be required depending upon the outcome of the reports. When, after waiting for a considerable period, the hospital staff informed the respondent herein that the reports would take further time, he returned to the jail along with the prisoner. Thus, the delay was entirely attributable to the medical procedure and not to any misconduct on his part.
6. The respondent herein also explained that, after completion of his official duty, he had received an urgent phone call from a friend and had gone to meet him. In support of this explanation, he produced a screenshot of the relevant mobile phone call during the departmental proceedings. It was further contended by the respondent herein that the departmental enquiry was conducted in violation of the principles of natural justice. During the enquiry, the

Enquiry Officer himself put material and leading questions to the respondent herein and assumed the role of a prosecutor, thereby vitiating the fairness of the enquiry proceedings. The respondent herein further submitted that the disciplinary authorities failed to produce any cogent oral or documentary evidence to establish that he had left the hospital before completion of the medical process or that he had unauthorizedly remained away from duty. No witness from the hospital or any other independent witness was examined to substantiate the allegations. The entire enquiry was founded upon a video allegedly circulated on social media; however, neither the original video nor any authenticated forensic examination report thereof was supplied to the respondent herein, thereby depriving him of an effective opportunity to rebut the material relied upon against him. Despite the absence of reliable evidence and the satisfactory explanation furnished by the respondent herein, the Enquiry Officer held the charges to be proved. Acting upon the enquiry report, the Disciplinary Authority imposed the punishment of removal from service, which was subsequently affirmed by the Appellate Authority.

7. Being aggrieved by the orders passed by the Disciplinary Authority and affirmed by the Appellate Authority, the respondent herein preferred a writ petition before the learned Single Judge, challenging the legality of the departmental enquiry, the findings recorded therein, and the punishment of removal from service on the ground that the enquiry was vitiated by procedural

irregularities, the findings were unsupported by evidence, and the punishment imposed was grossly disproportionate to the allegations levelled against him, which was allowed by learned Single Judge by the impugned order. Hence, this writ appeal.

8. Learned Deputy Advocate General for the appellants/State submits that the impugned order passed by the learned Single Judge is contrary to the material available on record as well as the settled principles governing judicial review in disciplinary matters and, therefore, deserves to be set aside. It is contended that the learned Single Judge has exceeded the limited scope of judicial review under Article 226 of the Constitution of India by undertaking a meticulous re-appreciation of the evidence adduced during the departmental enquiry and by virtually sitting in appeal over the findings recorded by the disciplinary authority. It is submitted that in exercise of writ jurisdiction, the High Court is not required to reassess the sufficiency or adequacy of evidence, but is only required to examine whether the enquiry was conducted in accordance with law, whether the principles of natural justice were complied with, and whether the findings are based on some evidence.

9. Learned State Counsel further submits that the respondent herein himself, in his representation dated 14.11.2024, admitted that on 02.08.2024, after completion of his official duty, he had received an urgent telephone call from his friend and had gone to meet him

at a restaurant. The social media video, which depicts the respondent herein in the company of the prisoner's family members, coupled with his own admission regarding his presence at the restaurant, was sufficient to cast an obligation upon him to satisfactorily explain his conduct. It is submitted that the respondent herein failed to furnish any plausible explanation consistent with the standards of discipline expected from a prison guard entrusted with the custody of an undertrial prisoner. It is further argued that the conduct of the respondent herein amounted to a serious breach of discipline and was contrary to the provisions of the Jail Manual governing the duties and responsibilities of prison personnel. A prison guard entrusted with the custody of a prisoner is expected to maintain the highest degree of vigilance and integrity, and any deviation from the prescribed procedure is liable to invite strict departmental action.

10. Learned State Counsel also submits that the learned Single Judge failed to appreciate that the disciplinary authority, upon consideration of the evidence on record, had returned findings of guilt after conducting a regular departmental enquiry, and such findings could not have been interfered with merely because another view was possible. The interference by the learned Single Judge with the punishment imposed by the disciplinary authority is, therefore, beyond the permissible limits of judicial review. He also submits that even where the misconduct may not appear to be of the gravest nature, a delinquent employee can validly be

dismissed from service if the misconduct is found to be prejudicial to discipline, good order and the integrity of the institution. It is, therefore, submitted that having regard to the nature of duties discharged by the respondent herein as a prison guard, the punishment imposed by the disciplinary authority cannot be said to be disproportionate or shockingly excessive. On the aforesaid grounds, learned State Counsel prays that the impugned order passed by the learned Single Judge be set aside and the orders passed by the Disciplinary Authority and the Appellate Authority be restored. He placed reliance upon the judgment of the Supreme Court in the matter of **CISF and others v. Santosh Kumar Pandey, (2023) 19 SCC 301**.

11. We have learned counsel for the appellants/State and perused the impugned order and other documents appended with writ appeal.
12. We have heard learned counsel for the parties at length and have perused the material available on record.
13. Having bestowed our anxious consideration to the submissions and upon perusal of the material available on record, we are of the considered opinion that the order rendered by the learned Single Judge does not suffer from any legal infirmity warranting interference in the present writ appeal.
14. The learned Single Judge has meticulously examined the record of the departmental enquiry and has rightly recorded a finding that the charges levelled against the respondent herein were not

supported by any legally admissible evidence. We find ourselves in complete agreement with the conclusions arrived at by the learned Single Judge.

15. The first charge against the respondent herein was founded entirely on a video allegedly uploaded on social media. However, a careful examination of the enquiry report would reveal that neither the Enquiry Officer nor the Disciplinary Authority has discussed the manner in which the said electronic record was proved. There is no finding regarding the source of the video, the person who recorded it, the date and time of its recording, or its authenticity. No witness connected with the recording or production of the video was examined during the enquiry. The enquiry report is also conspicuously silent as to the basis on which the alleged video footage was accepted as reliable evidence for holding the respondent herein guilty of misconduct.

16. Significantly, except the Chief Warder, who merely proved that the respondent herein was deputed to escort the prisoner to the hospital, no witness having personal knowledge of the alleged incident was examined by the department. The said witness admittedly did not witness the respondent herein at the alleged restaurant or in the company of the prisoner's family members. Thus, there is absolutely no connecting evidence establishing that the respondent herein had left the prisoner unattended or had committed the misconduct alleged against him.

17. Equally, the second charge relating to the alleged delay in returning to the jail also remains unsupported by any evidence. The explanation furnished by the respondent herein that the attending doctor advised diagnostic tests and required the prisoner to remain in the hospital until the reports were available has not been rebutted by the department. No doctor, hospital official or hospital record was produced to establish that there was no medical necessity for the prisoner's continued stay in the hospital or that the respondent herein had unauthorizedly absented himself from his official duty. In the absence of any evidence contradicting the explanation offered by the respondent herein, the finding of guilt on the second charge cannot be sustained.

18. The learned Single Judge has not substituted his own opinion for that of the disciplinary authority nor has he re-appreciated the evidence as an appellate court. On the contrary, the learned Single Judge has examined whether the findings recorded in the departmental enquiry were supported by any legal evidence, which undoubtedly falls within the permissible ambit of judicial review under Article 226 of the Constitution of India. It is trite law that while adequacy of evidence cannot ordinarily be gone into by the writ court, the existence of some legally admissible evidence to support the findings is a sine qua non. Where the findings are based on no evidence or on material which has not been legally proved, interference by the writ court is not only permissible but necessary to prevent miscarriage of justice.

19.Learned State Counsel has placed reliance upon the decision of the Hon'ble Supreme Court in **Santosh Kumar Pandey** (supra) to contend that the learned Single Judge exceeded the limits of judicial review. We are unable to accept the said contention.

20.In **Santosh Kumar Pandey** (supra), the Hon'ble Supreme Court reiterated the well-settled principle that in exercise of judicial review, the High Court cannot act as an appellate authority over the findings recorded in a departmental enquiry and cannot re-appreciate the evidence when the conclusions of the disciplinary authority are supported by some material on record. The interference was held to be impermissible because there existed evidence supporting the findings recorded against the delinquent employee.

21.The factual matrix of the present case is fundamentally different. Here, the very foundation of the disciplinary proceedings, namely the alleged social media video, has not been proved in accordance with law. Apart from the said unproved electronic record, no independent oral or documentary evidence has been adduced to establish the charges against the respondent herein. Likewise, the allegation regarding inordinate delay in returning from the hospital is not substantiated by any evidence whatsoever. Therefore, the present case falls within the well-recognized exception where the findings recorded by the disciplinary authority are based on no evidence, thereby justifying interference in exercise of the power of

judicial review. Consequently, the ratio laid down in **Santosh Kumar Pandey** (supra) has no application to the facts of the present case and is clearly distinguishable.

22. For all the aforesaid reasons, we find ourselves in complete agreement with the findings recorded by the learned Single Judge that the orders passed by the Disciplinary Authority and the Appellate Authority are unsustainable in law, having been founded on findings unsupported by legally admissible evidence. We find no error, much less any perversity, in the impugned judgment warranting interference by this Court in the present writ appeal.

23. Accordingly, the writ appeal fails and is **dismissed**. No order as to costs.

Sd/-

(Ravindra Kumar Agrawal)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice