IN THE HIGH COURT OF MADHYA PRADESH AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE ANAND SINGH BAHRAWAT

ON THE 24th OF FEBRUARY, 2026

WRIT PETITION No. 813 of 2016

SMT. KARUNA BAJPAI

Versus

THE STATE OF MADHYA PRADESH THR AND OTHERS

Appearance:

Ms. Sonal Mittal – learned counsel for the petitioner.
Shri B.M. Patel – learned Government Advocate for the respondents/State.

ORDER

This petition, under Article 226 of Constitution of India, has been filed seeking the following relief (s):

> "i) That, impugned orders dated 19.10.2015 Annexure P/1 and 5.7.2014 Annexure P/2 may kindly be quashed.
>
> (ii) That, the respondents may kindly be directed to grant increments for the years of 2013 & 2014 to the petitioner and consequently pay arrears of the same within a stipulated period along with interest.
>
> iii) That, the respondents may kindly be directed to regularize the period of suspension from 29.8.2012 to 6.12.2012 and pay the difference of salary for the entire period of suspension along

with other emoluments for which the petitioner ordinarily entitled along with interest thereon.

iv) That, the stoppage of 3rd increment for the year of 2015 has no connection with the departmental enquiry as such the respondents may kindly be directed to grant the said increment immediately and pay arrears of the same with due interest.

v) Any other suitable direction which this Hon'ble Court deems fit in the facts and circumstances of the case may kindly be passed.”

2. Learned counsel for petitioner submits that petitioner was appointed on the post of Lecturer (Sociology) on an ad hoc basis vide order dated 6.11.1984. At the relevant point of time, i.e. in the year 2012, when petitioner was working as In-charge Principal of Government College, Mehgaon, District Bhind, she was suspended vide order dated 29.8.2012 and her headquarters was fixed at Government College, Balaji Mehona, District Bhind. Thereafter, petitioner duly reported at the said headquarters during the period of suspension and continued to remain there until the revocation of her suspension vide order dated 6.12.2012. It is further submitted that a letter signifying the presence of petitioner was written by the Principal of Government Gandhi Mahavidyalaya, Balaji Mehona, to respondent No. 2 on 29.11.2012 along with a certificate of her presence (Annexure P/5). Thereafter, a charge sheet dated 27.9.2012 was issued levelling two charges against petitioner stating that at the time of a sudden inspection of the college on 27.8.2012 at around 2:20 P.M., petitioner was found absent and as per the attendance register, she had been absent since 1.8.2012. The charge further stated that petitioner remained absent while she was In-charge Principal,

which encouraged arbitrariness among the teaching and non-teaching staff of the college. Thereafter, petitioner submitted a reply to the charge sheet on 19.10.2012, thereby denying both the charges and explaining in detail the correct factual position. Subsequently, an Inquiry Officer and a Presenting Officer were appointed. The Inquiry Officer conducted the inquiry; however, the statements of the witnesses were not recorded in the presence of petitioner. She was not given an opportunity to cross-examine any witness nor was she supplied with the documents relied upon by the Inquiry Officer. Thereafter, the Inquiry Officer submitted his report on 17.2.2014. It is further submitted that a copy of the inquiry report was not provided to petitioner. No show-cause notice against the findings of the inquiry report was issued to petitioner by the disciplinary authority. The disciplinary authority, relying on the inquiry report dated 17.2.2014, passed the order of punishment imposing the penalty of stoppage of two annual increments with non-cumulative effect vide order dated 5.7.2014. The disciplinary authority neither recorded any reason in the order of punishment nor was any finding on the charges recorded by the disciplinary authority. It is further submitted that while imposing the minor punishment of stoppage of two annual increments with non-cumulative effect, the disciplinary authority did not decide the period of suspension of petitioner. Thereafter, petitioner preferred an appeal before the appellate authority, which was rejected by passing a completely non-speaking and cryptic order dated 19.10.2015 (Annexure P/1). It is further submitted that not only was the punishment of stoppage of two annual increments with non-cumulative effect inflicted upon petitioner but due to the disciplinary action, her third increment was also stopped. The respondents did

not grant annual increments for July 2013, July 2014, and July 2015. Apart from this, she has not been paid salary for the period of suspension along with other dues. It is further submitted that it is a settled position of law that even if the disciplinary proceedings end with a minor punishment, the salary for the suspension period is required to be paid to petitioner. Despite this settled position, the salary for suspension period has not been granted to petitioner. It is also submitted that no show-cause notice was issued by the disciplinary authority, the inquiry report was not supplied to petitioner and without recording any reason in writing, the punishment was imposed upon her. The appellate authority also failed to consider the aforesaid aspects and rejected the appeal by passing a non-speaking and unreasoned order 19.10.2015 (Annexure P/1).

3. Per contra, learned counsel for respondent/State submits that impugned punishment order has been passed in accordance with law. It is further submitted that proper opportunity of hearing was given to the petitioner at the time of consideration of case of petitioner. It is further submitted that as per the findings recorded in the inquiry report, the punishment has rightly been awarded to petitioner by the Disciplinary Authority and the appellate authority has also rightly rejected the appeal after considering it on merits.

4. Heard the learned counsel for the parties and perused the record.

5. It is not in dispute that petitioner was appointed as Lecturer (Sociology) on ad hoc basis on 6.11.1984. In 2012, while working as In-charge Principal of Government College, Mehgaon, she was suspended on 29.8.2012 and directed to report at Government College, Balaji Mehona, District Bhind. She reported there during suspension and remained present until her suspension was revoked on

6.12.2012. A certificate confirming her presence was also sent to the authorities. A charge sheet dated 27.9.2012 was issued alleging that she was absent during a surprise inspection on 27.8.2012 and had been absent since 1.8.2012, which allegedly caused indiscipline in the college. She denied the charges in her reply dated 19.10.2012. During the departmental inquiry, she was not given proper opportunity of hearing. Witness statements were not recorded in her presence, she was not allowed to cross-examine witnesses and relevant documents were not supplied to her. The inquiry report dated 17.2.2014 was also not provided to her nor was any show-cause notice issued before imposing punishment. Relying on the inquiry report, the disciplinary authority imposed a minor penalty of stoppage of two annual increments (non-cumulative) on 5.7.2014 without recording reasons or findings and without deciding the suspension period. Her appeal was dismissed by a non-speaking order dated 19.10.2015. Apart from the penalty, her subsequent increments (July 2013, July 2014, and July 2015) were also not granted and she was not paid salary for the suspension period. Despite settled law requiring payment of salary for suspension period when only minor punishment is imposed, the respondents failed to grant the same.

6. This Court, by order dated 24.11.2025, had directed the respondents to produce the entire record of the departmental inquiry. Petitioner has stated in the petition that the inquiry report was not supplied to her and no show-cause notice was issued by the disciplinary authority. This fact has been denied by the respondents in their reply. On 24.11.2025, time was granted to learned counsel for the respondent/State to produce the entire record of the departmental inquiry, and the matter was directed to be listed on 18.12.2025. Despite the aforesaid

order, on 18.12.2025 the respondents did not comply with the order dated 24.11.2025. Again, as a matter of last indulgence, time was granted and the case was directed to be listed on 22.1.2026. On 22.1.2026 as well, the order was not complied with. Once again, as a matter of last indulgence, time was granted to the respondent/State to comply with the order dated 24.11.2025 and the matter was directed to be listed on 24.2.2026. This Court also recorded in the order sheet dated 22.1.2026 as follows:

> " If the order is not complied with on or before the next date of listing, this **Court will decide the case of petitioner on the basis of documents available on record, as per the pleadings of petition and the benefit of doubt may be considered in favour of petitioner."**

7. On 22.1.2026 counsel for respondent/State filed an I.A. No.1132/2026, an application for granting additional time and recalling the order dated 24.11.2025 and prays for four weeks' time to comply the order dated 24.11.2025, thereafter the matter is listed on today i.e. 24.2.2026, however, till yet the order has not been complied with. As this Court has already observed on the last date of listing that if order is not complied with, the case will be decided by the Court on the basis of documents available on record and as per the pleading of petition and also observed that the benefit of doubt may be considered in favour of petitioner. Today also, counsel for respondent has not submitted the record of departmental inquiry. Even there is specific pleading in para 5.11 and despite the aforesaid pleading the respondent have not enclosed the copy of inquiry report as well as show-cause notice at the time of filing reply i.e. on 9.6.2016. As the inquiry

report has not been supplied to the petitioner and no show-cause notice has been issued by the disciplinary authority and passed the impugned punishment order dated 5.7.2014 which is non-speaking and unreasoned order relevant of which is reproduced as under:

> ''आयुक्त उच्च शिक्षा, मध्य प्रदेश शासन सतपुड़ा भवन भोपाल दिनांक 27.08.2012 को शासकीय महाविद्यालय, मेहगांव का औचक निरीक्षण किया गया था औचक निरीक्षण में डॉ. करूणा वाजपेई, सहायक प्राध्यापक एवं प्रभारी प्राचार्य को महाविद्यालय में अनाधिकृत रूप से अनुपस्थित पाये जाने पर आदेश क्रमांक 1005/708/आउशि/शिका/12, दिनांक 29.08.2012 को निलंबिल किया जाकर पत्र क्रमांक 1211/708/आउशि/शिका/12, दिनांक 27.09.2012 द्वारा आरोप पत्र जारी कर आदेश क्रमांक 1577/708/आउशि/शिका/12, दिनांक 06.12.2012 द्वारा विभागीय जांच संस्थित की गई थी। विभागीय जांच करने हेतु अतिरिक्त संचालक, उच्च शिक्षा, ग्वालियर संभाग ग्वालियर को जांचकर्ता अधिकारी एवं डॉ. अनिल कुमार शर्मा, विशेष कर्तव्यस्थ अधिकारी को प्रस्तुतकर्ता अधिकारी नियुक्त किया गया था। जांच कर्ता अधिकारी ने विभागीय जांच पूर्ण कर अपने पत्र क्रमांक 5031/क्षे.का./उशि/विजॉ./14, दिनांक 17.02.2014 द्वारा जांच प्रतिवेदन उपलब्ध कराया है, जिसमें आपको जारी आरोप सिद्ध पाया गया है।
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> अतः जांच अधिकारी द्वारा प्रस्तुत जांच प्रतिवेदन के गुण दोष के आधार पर परीक्षण के आपके विरूद्ध म0प्र0 सिविल सेवा (वर्गीकरण, नियंत्रण तथा अपील) नियम 1966 के नियम 10 (चार) के अंतर्गत आगामी दो वार्षिक वेतनवृद्धि, 02 वर्ष के लिये असंचयी प्रभाव से रोके जाने की लघुशासित अधिरोपित की जाती है।

8. From perusal of the punishment order dated 5.07.2014, it is clear that the Disciplinary Authority, while passing imposing the punishment order of a Government servant, is exercising quasi-judicial powers and even the quasi-judicial orders must be speaking orders. The Disciplinary authority must apply its mind to the entire facts and circumstances and record valid and justifiable reasons or grounds in support of its conclusion. On perusal of the punishment order, it does not appear to be a speaking one.

9. Thereafter, petitioner preferred a detailed appeal and in the appeal also in para-11 petitioner has specifically mentioned that the copy of inquiry report has not been supplied to him and no show-cause notice has been issued by the disciplinary authority and this fact has not at all been considered by the appellate authority while rejecting the appeal by a non-speaking and unreasoned order dated 19.10.2015 (Annexure P/1) relevant of which is reproduced as under:

> ''क्रमांक एफ 17–14/2015/38–1:– आयुक्त, उच्च शिक्षा मध्यप्रदेश शासन सतपुड़ा भवन भोपाल द्वारा दिनांक 27.08.2012 को शासकीय महाविद्यालय, मेहगांव का औचक निरीक्षण किया गया था। औचक निरीक्षण में डॉ. करूणा वाजपेयी, सहायक प्राध्यापक एवं प्रभारी प्रचार्य को महाविद्यालय में अनाधिकृत रूप से अनुपस्थित पाये जाने पर आदेश क्रमांक 1005/708/आउशि/शिका/12, दिनांक 29.08.2012 को निलंबित किया जाकर पत्र क्रमांक 1211/708/आउशि/शिका/12, दिनांक 27.09.2012 द्वारा आरोप पत्र जारी कर आदेश क्रमांक 1577/708/आउशि/शिका/12, दिनांक 06.12.2012 द्वारा विभागीय जांच संस्थित की गई थी। विभागीय जांच करने हेतु अतिरिक्त संचालक, उच्च शिक्षा, ग्वालियर संभाग ग्वालियर को जांचकर्ता अधिकारी एवं डॉ. अनिल कुमार शर्मा, विशेष कर्तव्यस्थ अधिकारी को प्रस्तुतकर्ता अधिकारी नियुक्त किया गया था। जांच कर्ता अधिकारी ने विभागीय जांच पूर्ण कर अपने पत्र क्रमांक 5031/क्षे.का./उशि/विजॉ./14, दिनांक 17.02.2014 द्वारा जांच प्रतिवेदन उपलब्ध कराया है, जिसमें आपको जारी आरोप सिद्ध पाया गया है।
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> अतः जांच अधिकारी द्वारा प्रस्तुत जांच प्रतिवेदन के गुण दोष के आधार पर परीक्षण के उपरांत डॉ. करूणा वाजपेयी, सहायक प्राध्यापक के विरूद्ध म0प्र0 सिविल सेवा (वर्गीकरण, नियंत्रण तथा अपील) नियम 1966 के नियम 10 (चार) के अंतर्गत आगामी दो वार्षिक वेतनवृद्धि, 02 वर्ष के लिये असंचयी प्रभाव से रोके जाने की लघुशासित अधिरोपित की जाती है।
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> **2/– उक्त आदेश के विरूद्ध आपके द्वारा प्रस्तुत अपील दिनांक ...08.2014,को शासन द्वारा पूर्ण विचारोपरान्त अपास्त अमान्य किया जाता है।''**

10. From perusal of the appellate order dated 19.10.2015, it is clear that the Appellate Authority, while passing imposing the appellate order of a Government servant, is exercising quasi-judicial powers and even the quasijudicial orders

must be speaking orders. The Appellate authority must apply its mind to the entire facts and circumstances and record valid and justifiable reasons or grounds in support of its conclusion. On perusal of the appellate order, it does not appear to be a speaking one

11. It is a settled position in law that when a discretion is vested in an authority to exercise a particular power, the same is required to be exercised with due diligence, and in reasonable and rational manner. The Hon'ble Supreme Court in catena of decisions has reiterated time and again the necessity and importance of giving reasons by the authority in support of its decision. It has been held that the face of an order passed by a quasi-judicial authority or even by an administrative authority affecting the rights of parties must speak. The affected party must know how his case or defence was considered before passing the prejudicial order.

12. The decision of the Hon'ble Supreme Court in the case of ***State of Punjab v/s. Bandip Singh and others reported in (2016) 1 SCC 724*** is relevant to quote. In the said decision it had been held by the Hon'ble Supreme Court that every decision of an administrative or executive nature must be a composite and self-sustaining one, in that it should contain all the reasons which prevailed on the official taking the decision to arrive at his conclusion.

13. In the same judgment in paragraph 7, the Hon'ble Supreme Court clarifies that the Government does not have carte blanche to take any decision it chooses to; it cannot take a capricious, arbitrary or prejudiced decision. Its decision must be informed and impregnated with reasons. Paragraph 7 of the said decision is quoted as under:-

> "7. The same principle was upheld more recently in Ram Kishun v. State of U.P. (2012) 11 SCC 511 : (2013) 1 SCC (Civ) 382. However,

> we must hasten to clarify that the Government does not have a carte blanche to take any decision it chooses to; it cannot take a capricious, arbitrary or prejudiced decision. Its decision must be informed and impregnated with reasons.
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> This has already been discussed threadbare in several decisions of this Court, including in Sterling Computers Ltd. v. M & N Publications Ltd (1993) 1 SCC 445, Tata Cellular v. Union of India (1994) 6 SCC 651, Air India Ltd. v. Cochin International Airport Ltd. (2000) 2 SCC 617, B.S.N. Joshi & Sons Ltd. v. Nair Coal Services Ltd. (2006) 11 SCC 548 and Jagdish Mandal v. State of Orissa (2007) 14 SCC 517".

14. Also the decision of the Hon'ble Supreme Court in the case of Kranti Associates Pvt. Ltd. and another v/s Masood Ahmed Khan and others cited in (2010) 9 SCC 496 highlights this point. The Hon'ble Supreme Court in paragraph 15 opined that the face of an order passed by a quasi judicial authority or even an administrative authority affecting the rights of parties, must speak. It must not be like the inscrutable face of a sphinx. In paragraph 47 the Honb'le Supreme Court summarized its discussion. The relevant subparagraphs of the said summary are quoted as under:-

> "47. Summarising the above discussion, this Court holds:
> (f) Reasons have virtually become as indispensable a component of a decisionmaking process as observing principles of natural justice by judicial, quasi-judicial and even by administrative bodies.
> (h) The ongoing judicial trend in all countries committed to rule of law and constitutional governance is in favour of reasoned decisions based on relevant facts. This is virtually the lifeblood of judicial decision-making justifying the principle that reason is the soul of justice.
> (i) Judicial or even quasi-judicial opinions these days can be as different as the judges and authorities who deliver them. All these decisions serve one common purpose which is to demonstrate by

reason that the relevant factors have been objectively considered. This is important for sustaining the litigants' faith in the justice delivery system.

(n) Since the requirement to record reasons emanates from the broad doctrine of fairness in decision-making, the said requirement is now virtually a component of human rights and was considered part of Stasbourg Jurisprudence. See Ruiz torija v. Spain (1994) 19 EHRR 553, at 562 para 29 and Anya v. University of Oxford 2001 EWCA Civ 405 (CA), wherein the Court referred to Article 6 of the European Convention of Human Rights which requires,"adequate and intelligent reasons must be given for judicial decisions."

15. As the copy of the inquiry report has not been supplied to the petitioner and an opportunity of being heard has not been extended to the petitioner to file a reply to the findings recorded by the Enquiry Officer, the punishment order has been passed on the basis of the findings recorded by the Enquiry Officer. Therefore, this Court is of the considered opinion that non-supply of the inquiry report to the petitioner vitiates the order of punishment passed by the respondent/authority.

16. Considering the the facts and circumstances of the case, this petition is ***allowed and finally disposed of*** in the following terms:

i) The impugned punishment order dated 5.7.2014 (Annexure P/2) and the order rejecting the appeal dated 19.10.2015 (Annexure P/1) are hereby quashed.

(ii) The respondents are directed to grant increments for the years 2013 and 2014 and consequently pay the arrears thereof.

(iii) The respondents shall regularize the period of suspension of petitioner from 29.8.2012 to 6.12.2012 and pay the difference of

salary for the entire period of suspension along with other emoluments.

(iv) The respondents are further directed to grant the increment for the year 2015 along with other consequential benefits to petitioner and to revise the PPO and GPO within a period of three months from the date of receipt of a certified copy of this order.

(v) If the order is not complied with within the aforesaid period, the respondents shall pay interest at the rate of 6% per annum from the date of entitlement till actual payment.

(vi) The respondent/State is directed to pay cost of Rs.5000/- to petitioner for harrasment and the respondent/State shall be at liberty to recover the same from the erring officer.

(Anand Singh Bahrawat)
Judge

Ahmad