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WP-27426-2021

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE VISHAL DHAGAT

ON THE 27th OF JANUARY, 2026WRIT PETITION No. 27426 of 2021*SHAILENDRA SINGH BHADORIA**Versus**MADHYA PRADESH PACHIM KSHETRA VIDYUT VITARAN COMPANY
LTD.*

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Appearance:

Shri Dheeraj Singh Panwar - Advocate for the petitioner.

Shri Madhusudan Dwivedi, learned counsel for the respondents.

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ORDER

1. Petitioner has filed this petition under Article 226 of the Constitution of India challenging issuance of charge sheet by Chief General Manager.

2. Counsel appearing for the petitioner submitted that Chief General Manager do not have jurisdiction to issue charge sheet to petitioner. Counsel appearing for petitioner relied upon Madhya Pradesh Paschim Kshetra Vidyut Vitran Co. Ltd., Delegation of Power 2017-18. As per Serial No.1 (iii) authority to impose penalties major and minor upto Additional Chief Engineer is with Managing Director. Chief General Manager has full power upto the rank of Assistant Engineer for imposing minor and major penalties and impose minor penalty on Executive Engineer or equivalent. Distinction has been drawn between power of Managing Director and Chief General Manager in respect of imposing penalty. Major penalty cannot be imposed by Chief General Manager and same is with Managing Director. It is submitted that since Managing Director is disciplinary authority of petitioner therefore, he is empowered to issue charge



sheet to petitioner. Chief General Manager cannot issue charge sheet.

3. Counsel appearing for respondents submitted that Chief General Manager is vested with power to impose minor penalty as per delegation of Power 2017-18. Madhya Pradesh Civil Services (Classification, Control and Appeal) Rules, 1966 (for sort "Rules of 1966) is adopted by respondent Department. As per rule 13(1) (b) of Rules of 1966 Governor or any other authority empowered by him by general or special order may direct disciplinary authority to institute disciplinary proceedings against any Government servant on whom that disciplinary authority is competent to impose under these rules any of the penalties specified in Rule 10. Rule 10 of Rules of 1966 describe both type of penalties i.e. minor and major. As per Rule 13 & 10 of Rules of 1966 authority who can impose minor penalty can also issue charge-sheet, if Rule 13 and 10 are read together. In view of same, Chief General Manager who is delegated with power under delegation of power Rule 2017 & 18 can impose minor penalty, therefore, he can also issue charge-sheet. In view of same, there is no merit in arguments raised by petitioner's counsel and writ petition be dismissed.

4. Heard counsel for the parties.

5. Rule 13 of Rules of 1966 lays down that Governor or any other authority empowered by general or special order may issue a charge-sheet if said authority has power to impose minor penalty on Government servant. As per delegation of Power 2017-18 Managing Director is having power to impose major penalty on a Superintendent Engineer. No such power is vested by said delegation on Chief General Manager. What has not been vested to him directly cannot be delegated to him indirectly by interpretation. Power to impose major penalty is with Managing Director, therefore, same authority will have power to issue charge-sheet. Disciplinary authority has specially been designated, therefore, power will be



vested in said authority and only because Chief General Manager has power to issue minor penalty will not give any right to Chief General Manager to issue charge-sheet in respect of major penalty. While issuing charge-sheet there has to be application of mind on material before authority and thereafter he has to exercise the power in accordance with law.

6. Managing Director is a superior authority then Chief General Manager. Application of mind for issuing charge-sheet on basis of material before him is to be exercised by him and same cannot be given to Chief General Manager since Chief General Manager is having power under Rule 21 to send the matter before Managing Director if he finds that major penalty is to be imposed upon an employee

7. In view of aforesaid discussion Writ Petition filed by petitioner is **allowed** and it is held that Chief General Manager is not having power to issue charge-sheet to petitioner who is Superintendent Engineer. Charge-sheet dated 16/07/2021 is quashed. Competent authority is at liberty to issue fresh charge-sheet in accordance with law.

(VISHAL DHAGAT)
JUDGE

SS/-