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WP-3760-2026

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VIVEK RUSIA

&

HON'BLE SHRI JUSTICE PRADEEP MITTAL

ON THE 4th OF FEBRUARY, 2026WRIT PETITION No. 3760 of 2026*YASHVANT SINGH DHAKAD**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

Shri Kabeer Paul - Advocate for petitioner.
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ORDER

Per. Justice Pradeep Mittal

The petitioner has invoked the writ jurisdiction of this Court under Article 226 of the Constitution of India, calling in question the legality and validity of the charge-sheet dated 06.10.2025 (Annexure P/1).

2. The facts, in brief, are that the petitioner was posted as Naib Nazir at Tehsil Court, Mungawali, where he joined on 11.09.2023. One Sunil Danoria, working as a Class-IV employee/Peon, submitted a written complaint dated 25.05.2024 (Annexure P/2) alleging that the petitioner had directed him to clean the petitioner's room and, upon refusal, had allegedly used abusive language and threatened to assign him cleaning work of the washroom, toilet, terrace and water tank during extreme heat. On the basis of the said complaint, a show cause notice dated 28.05.2024 (Annexure P/3) was issued to the petitioner, to which the petitioner submitted a detailed



reply (Annexure P/4), categorically denying all the allegations. Subsequently, a charge-sheet dated 06.10.2025 came to be issued, levelling charges against the petitioner. The petitioner submitted his replies to the charge-sheet on 29.10.2025 and again on 05.05.2025.

3. Learned counsel for the petitioner submits that a bare perusal of the charge-sheet would reveal that the charges have been framed in complete violation of the mandatory provisions of the Madhya Pradesh Civil Services (Classification, Control and Appeal) Rules, 1966. It is contended that the Rules require the disciplinary authority to draw up the substance of the imputations of misconduct or misbehaviour into definite and distinct Articles of Charge. However, in the present case, despite objections raised by the petitioner, the charges framed are bald, omnibus and vague, thereby causing serious prejudice to the petitioner. It is further submitted that the complaint itself does not disclose the exact abusive words allegedly used, nor does it specify the date or place of occurrence, rendering the disciplinary proceedings arbitrary and revealing them to be founded on a false and frivolous complaint.

4. It is further contended that the impugned charge-sheet dated 06.10.2025 has been issued after an unexplained delay of nearly one and a half years from the date of the complaint. Such inordinate and unexplained delay, according to learned counsel, has caused grave prejudice to the petitioner and is sufficient to vitiate the disciplinary action.

5. Learned counsel further submits that the allegations contained in the charge-sheet are vague, omnibus and indefinite, as they fail to disclose



the precise date, time, place of the alleged incident, the specific words allegedly used, or the presence of any independent witnesses. In the absence of such material particulars, the petitioner has been deprived of a reasonable opportunity to effectively defend himself, thereby rendering the proceedings contrary to the settled principles of natural justice. It is also argued that the alleged incident is not supported by any independent witness. No corroborative evidence has been examined or produced, and the entire proceedings rest solely upon the unverified and interested version of the complainant, which renders the allegations inherently doubtful and unreliable. It is submitted that the disciplinary authority has mechanically proceeded to issue the charge-sheet without due application of mind and without considering the detailed explanation furnished by the petitioner in response to the show cause notice, wherein all allegations were specifically denied and explained. Such non-consideration of the petitioner's reply, it is urged, demonstrates a predetermined approach and bias on the part of the authority, thereby rendering the impugned action arbitrary and unsustainable in law. In support of his submissions, learned counsel for the petitioner has placed reliance on the judgment passed by Apex Court as well as High Court in case of Anant R. Kulkarni Vs. Y.P. Education Society and others reported (2013) 6 SCC 515, and Anil Gilurker Vs. Bilaspur Raipur Kshetriya Gramin Bank Ltd and another reported in (2011) 14 SCC 379.

We have heard learned counsel for the petitioner.

6. The complaint dated 25.05.2024 (2) made against the petitioner is reproduced below:-



प्रति

माननीय प्रधान जिला एवं सत्र न्यायाधीश महोदय

जिला न्यायालय

जिला अशोकनगर (म.प्र.)

द्वारा:- माननीय प्रथम जिला एवं सत्र न्यायाधीश महोदय, मुंगावली, जिला अशोकनगर म०प्र०।

विषय:- नायब नाज़िर मुंगावली द्वारा मुझे मानसिक रूप से प्रताड़ित किये जाने के संबंध में।

माननीय महोदय

उपरोक्त विषयानुसार सादर निवेदन है कि प्रार्थी को तहसील मुंगावली नाज़िर श्री यशवंत धाकड़ द्वारा प्रताड़ित किया जा रहा है। नायब नाज़िर जी द्वारा मुझसे अपने कमरे की झाड़ू पोंछा व साफ सफाई के लिए दबाव बनाया जाता है और मेरे मना करने पर मुझे जाति सूचक गालियां दी जाती हैं एवं नाज़िर जी द्वारा धमकी दी जाती है कि अगर मेरे कमरे का काम नहीं करोगे तो मैं जबरन कोर्ट में लैट्रिंग बाथरूम फरसियां व कुंये की साफ सफाई करवाऊंगा और छत की टंकियां धूप में साफ करवाऊंगा। नाज़िर जी द्वारा मुझसे यह भी कहा गया कि जिस दिन मेरे अंडर में फंस गया तो मैं तुझे बताऊंगा कि नौकरी कैसे करते हैं।

अतः शिकायत माननीय महोदय की ओर सादर प्रेषित है एवं निवेदन है कि अग्रिम कार्यवाही करने की कृपा करें।

7. On consideration of the complaint dated 25.05.2024 and the impugned charge-sheet, this Court finds that the complainant has made allegations that the petitioner had compelled him to clean his personal room and had threatened to assign him sweeping and cleaning work. Though the complaint does not mention the specific abusive words or the exact date and time of the incident, it clearly discloses allegations of misconduct against the petitioner relating to misuse of authority and harassment of a Class-IV employee.

8. Merely because the exact words of abuse or the precise date of the incident have not been mentioned, it cannot be said that the complaint is baseless or without substance. The allegations are sufficient to constitute misconduct warranting a departmental enquiry. At this stage, the Court is not



required to examine the truth or correctness of the allegations, and the petitioner will have full opportunity to defend himself during the enquiry proceedings.

9. Learned counsel for the petitioner has placed reliance on the judgment passed in case of *Anil Gilurker (supra)* wherein it has been categorically held that a charge-sheet containing vague allegations without disclosure of material particulars is unsustainable, as it deprives the delinquent of a reasonable opportunity to defend himself and vitiates the disciplinary proceedings.

“11. A plain reading of the charges and the statement of imputations reproduced above would show that only vague allegations were made against the appellant that he had sanctioned loans to a large number of brick manufacturing units by committing irregularities, but did not disburse the entire loan amount to the borrowers and while a portion of the loan amount was deposited in the account of the borrowers, the balance was misappropriated by him and others. The details of the loan accounts or the names of the borrowers have not been mentioned in the charges. The amounts of loan which were sanctioned and the amounts which were actually disbursed to the borrowers and the amounts alleged to have been misappropriated by the appellant have not been mentioned.

12. We also find that along with the charge-sheet dated 31.01.1989 no statement of imputations giving the particulars of the loan accounts or the names of the borrowers, the amounts of loans sanctioned, disbursed and misappropriated were furnished to the appellant, and yet the disciplinary authority has called upon the appellant to submit his written defence statement in reply to the charges. We fail to appreciate how the appellant could have submitted his written statement in defence in respect of the charges and how a fair enquiry could be held unless he was furnished with the particulars of the loan accounts or the names of the borrowers, the amounts of loan sanctioned, the amounts actually disbursed and the amounts misappropriated were also furnished in the charge-sheet.”

10. It is fairly admitted by learned counsel for the petitioner that the departmental inquiry is going on at an advanced stage and only one witness remains to be examined. In view of the above, this Court is of the view that the allegations made by the complainant against the petitioner are that he had threatened to assign sweeping work and had forcefully got the cleaning work of his room done. Merely on the ground that the specific abusive words and



the date of the incident have not been mentioned, it cannot be said that the complaint is baseless. There is substance in the complaint, and it cannot be quashed at this advanced stage. After having gone through the record, we are of the opinion that there is sufficient ground for a departmental inquiry, and it cannot be quashed. Hence, the petition is dismissed.

(VIVEK RUSIA)
JUDGE

(PRADEEP MITTAL)
JUDGE

Praveen