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R.P. No. 876/2026

IN THE HIGH COURT OF MADHYA PRADESH

AT INDORE

BEFORE

HON'BLE SHRI JUSTICE JAI KUMAR PILLAI

REVIEW PETITION No. 876 of 2026

THE STATE OF MADHYA PRADESH AND OTHER

Versus

RATAN KOLHE S/O LATE SHRI BALIRAM JI KOLHE

Appearance:

Ms. Pranjali Yajurvedi – Government Advocate for the petitioners/State.

Shri Jayaditya Shrivastava – Advocate on behalf of Shri P.R. Bhatnagar – Advocate for respondent.

Reserved on : 15/05/2026

Post on : 03/06/2026

ORDER

The matter at hand is a Review Petition instituted by the Petitioners/State under Article 226 of the Constitution of India, read with the inherent powers of this Court, seeking review, recall, and appropriate modification of the final order dated 04.02.2026 passed



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by this Court in W.P. No.20609/2021. The fundamental premise of the present petition is not to challenge the substantive merits or the primary outcome of the aforementioned Writ Petition, but rather to seek a highly circumscribed relief. The Petitioners essentially pray for specific clarifications regarding the liberty previously granted to the Department to initiate and conclude a regular departmental enquiry against the Respondent.

2. At the very threshold, it is pertinent to note that the present Review Petition has been preferred after the expiration of the prescribed period of limitation. To this end, an interlocutory application seeking condonation of delay has been placed on record by the Petitioners/State. Upon a careful perusal of the said application, this Court is satisfied that the delay occasioned in approaching this Court is neither deliberate nor intentional, but stems from bona fide administrative exigencies. Consequently, the application is allowed, and the delay in filing the Review Petition is hereby condoned.

Facts of the Case

3. The factual matrix, insofar as it is relevant for the adjudication of the present Review Petition, is that the Petitioners/State have preferred this petition against the judgment



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and order dated 04.02.2026 passed in W.P. No. 20609/2021, “whereby the Hon’ble Court was pleased to allow the Writ Petition.”

4. By way of the said order dated 04.02.2026, the Writ Petition preferred by the present Respondent was allowed, resulting in the quashing of the original impugned order of dismissal dated 22.07.2021 as well as the subsequent appellate order dated 26.08.2021.

5. While allowing the Writ Petition and setting aside the penalty of dismissal, this Court explicitly directed the reinstatement of the Respondent into service with continuity thereof, along with the payment of 50% back wages.

6. Concurrently, while granting the aforementioned reliefs, this Court reserved specific liberty to the Petitioners/State to proceed against the Respondent by conducting a full-fledged departmental enquiry in accordance with law.

7. The primary and foundational ground upon which the Writ Petition was allowed by this Court was that the Respondent was not afforded a reasonable opportunity of hearing during the disciplinary proceedings, and consequently, the mandatory constitutional safeguards enshrined under Article 311(2) of the Constitution of



India were not duly complied with prior to the imposition of the major penalty of dismissal.

Contentions of the Petitioner

8. The learned counsel appearing on behalf of the Petitioners/State categorically submits that the State is not seeking a review, recall, or reopening of the substantive findings recorded by this Court on the merits of the case. The challenge is strictly confined to a limited sphere.

9. The core contention raised is that while this Court granted liberty to the Department to proceed against the Respondent, the said liberty is general in nature. It is urged that the absence of a specific clarification regarding the manner, procedural stage, and framework for initiating and concluding the departmental enquiry may give rise to ambiguity and administrative hurdles in the proper implementation of the order dated 04.02.2026.

10. It is further argued that unless specifically clarified, there is a strong likelihood of procedural complications arising, or preliminary objections being raised by the delinquent employee at a later stage, particularly concerning the validity and scope of initiating a regular departmental enquiry from the stage of issuing a fresh charge-sheet.



11. Therefore, the Petitioners seek a limited modification to the extent that they be expressly permitted to initiate the proceedings by the issuance of a fresh charge-sheet. They pray for a direction clarifying that such proceedings shall be concluded strictly in accordance with Article 311(2) of the Constitution of India and the applicable civil service conduct rules, after affording a full and fair opportunity of hearing to the Respondent, independently and uninfluenced by the observations made in the order dated 04.02.2026.

Contentions of the Respondents

12. *Per contra*, the learned counsel appearing on behalf of the Respondent has entered appearance and vehemently opposed the maintainability and the merits of the present Review Petition.

13. The Respondent contends that the order dated 04.02.2026 is a well-reasoned, comprehensive, and self-contained judgment that does not suffer from any error apparent on the face of the record. It is submitted that the liberty granted by the Writ Court is abundantly clear and requires no further procedural clarification, and that the present petition is merely an attempt to prolong the litigation and delay the reinstatement and payment of back wages as directed.



Analysis and Conclusion

14. Having heard the rival contentions advanced by the learned counsels for the respective parties and having carefully perused the records of the case, including the primary order dated 04.02.2026, this Court proceeds to examine the limited issue framed for consideration.

15. The scope of review jurisdiction under Article 226 of the Constitution of India is inherently narrow. It is an established principle of judicial discipline that a review is not an appeal in disguise. However, when a party seeks a mere clarification to prevent procedural ambiguity and to ensure that the liberty granted by the Court is effectively and lawfully executable without inviting further frivolous litigation, such an application can be entertained in the interest of justice.

16. The precise issue requiring determination is whether the general liberty granted to conduct a "full-fledged departmental enquiry" encompasses the procedural right of the State to issue a fresh charge-sheet. Given that the earlier disciplinary action was vitiated primarily on account of the denial of a reasonable opportunity of hearing and non-compliance with Article 311(2) of



the Constitution of India, a fresh enquiry must logically cure the said procedural defect from its inception.

17. Therefore, to dispel any ambiguity in the execution of the mandate of this Court, it is clarified that a fresh departmental enquiry, applying the principles of natural justice, can be initiated if required by the Petitioners/State. Such proceedings may commence with the issuance of a fresh charge-sheet and must be conducted strictly in accordance with law, giving full opportunity of defense to the Respondent.

18. It is further directed that this procedural clarification does not alter, dilute, or stay the substantive reliefs (reinstatement and 50% back wages) already granted to the Respondent. This order is to be read in conjunction with and as a clarificatory addendum to the earlier order.

19. Thus, it is hereby explicitly ordered that this order to be read with earlier order dated 04.02.2026 passed in W.P. No.20609/2021. The authorities shall proceed independently and uninfluenced by the quashing of the earlier penalty orders.

20. In view of the specific directions and clarifications accorded hereinabove, the grievance of the Petitioners/State stands addressed and nothing further survives for adjudication.



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21. Accordingly, the present Review Petition is **disposed of.**

(Jai Kumar Pillai)
Judge

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