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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 6767 of 2026

Gainda Ram Chandrakar S/o Late Arjun Lal Chandrakar, Aged About 67 Years Retired District Education Officer, Raipur R/o H. No. 1656, Near VML English School, Om Society Sunder Nagar, Raipur District Raipur (C.G.)

... Petitioner

versus

State Of Chhattisgarh Through Its Secretary, Department Of School Education Mantralaya, Mahanadi Bhawan, Nawa Raipur, Atal Nagar, Raipur Distt. Raipur (C.G.)

... Respondent

(Cause title is taken from Case Information System)

For Petitioner	:	Mr. Rajesh Kumar Kesharwani, Advocate alongwith Mr. Kaushtubh
For State	:	Mr. Gary Mukhopadhyay, Addl. Advocate General alongwith Mr. Shahil Singh, P.L.

(Hon'ble Shri Justice Bibhu Datta Guru)

Order on Board

07/10/2026

1. The petitioner has called in question the memo of charge-sheet dated 29.09.2025 (Annexure P/1) issued by the Secretary, School

Education Department, State of Chhattisgarh, whereby departmental proceedings have been initiated against the petitioner after his retirement.

2. Learned counsel for the petitioner submits that the petitioner, a retired District Education Officer, Raipur, whose substantive post was Deputy Director, Public Instructions, has challenged the charge-sheet dated 29.09.2025 issued against him after more than four years from the alleged incident. He contends that the impugned charge-sheet is barred by Rule 9(2)(b)(ii) of the Chhattisgarh Civil Services (Pension) Rules, 1976 (for short, “the Rules, 1976”), as the alleged events occurred more than four years prior to initiation of the proceedings, and further that the mandatory sanction contemplated under Rule 9(2)(b)(i) was not obtained. Hence, the petitioner seeks quashing of the charge-sheet dated 29.09.2025 and all consequential proceedings.

3. Learned State counsel opposes the petition and submits that the charge-sheet has been issued against the petitioner in respect of alleged irregularities committed by the petitioner during his service tenure. However, he does not dispute that the petitioner retired from service on 31.01.2021.

4. I have heard learned counsel for the parties and perused the documents available on record.

5. It is not in dispute that the petitioner retired from service on 31.01.2021, whereas the impugned charge-sheet has been

issued on 29.09.2025, i.e., after the petitioner's retirement. Rule 9(2)(b) of the Chhattisgarh Civil Services (Pension) Rules, 1976 reads as under:

> "9. **Right of Governor to withhold or withdraw pension**. -
>
> xxx xxx xxx
>
> xxx xxx xxx
>
> xxx xxx xxx
>
> (2) (a) The departmental proceedings [xxx] *[Omitted by Notification No. FB-25-31-95-PWC-IV, dated 22-12-1995 (w.e.f. 26-1-1996).]*, if instituted while the Government servant was in service whether before his retirement or during his re-employment, shall, after the final retirement of the Government servant, be deemed to be proceedings under this rule and shall be continued and concluded by the authority by which they were commenced, in the same manner as if the Government servant had continued in service :
>
> Provided that where the departmental proceedings are instituted by an authority subordinate to the Governor, that authority shall submit a report regarding its findings to the Governor.
>
> (b) The departmental proceedings, if not instituted while the Government servant was in service whether before his retirement or during his re-employment :-
>
> (i) shall not be instituted save with the sanction of the Governor;
>
> (ii) shall not be in respect of any event which took place more than four years before such institution; and
>
> (iii) [shall be conducted by such authority and in such place as the Government may direct and in accordance with the procedure applicable to departmental proceedings : *[Substituted by Notification No. FB-6-3-78-N-II-IV, dated 10-11-1978 (w.e.f. 10-11-1978).]*
>
> (a) in which an order of dismissal from service could be made in relation to the Government servant during his service

> in case it is proposed to withhold or withdraw a pension or part thereof whether permanently or for a specified period; or
>
> (b) in which an order of recovery from his pay of the whole or part of any pecuniary loss caused by him to the Government by negligence or breach of orders could be made in relation to the Government servant during his service if it is proposed to order recovery from his pension of the whole or part of any pecuniary loss caused to the Government].
>
> xxx xxx xxx
> xxx xxx xxx
> xxx xxx xxx

6. Since the charge-sheet was admittedly issued after the petitioner had already retired from service, the proceedings were required to satisfy the mandatory requirements of Rule 9 of the Rules, 1976. Rule 9(2)(b)(ii) clearly contemplates that departmental proceedings shall not be instituted against a retired employee in respect of any event which took place more than four years before such institution. In the case at hand, from the pleadings and the documents placed by the parties it is quite vivid that the alleged event took place in the month of January, 2021 whereas the charge-sheet has been issued after lapse of more than four years from the said date.

7. It is noteworthy to mention here that issuance of charge-sheet after about more than four years from the date of the alleged event of financial irregularities which took place during the month of January, 2021 prior to the date of the retirement of the

petitioner is without jurisdiction and is against the provisions of the Rules, 1976.

8. Accordingly, the writ petition deserves to be and is **allowed**. The impugned charge-sheet dated 29.09.2025 is hereby quashed and set aside.

Sd/-
(**Bibhu Datta Guru**)
JUDGE

$. Bhilwar