



2026:CGHC:17778

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 1934 of 2022**

S.R. Kashyap S/o Shri P.R. Kashyap Aged About 60 Years Working As Forest Range Officer, At Gomarda Sanctuary, Sarangarh District Raigarh Chhattisgarh. R/o Peepal Chowk, Kharraghat, Beladula, Raipur, District Raigarh Chhattisgarh.

... Petitioner**versus**

1 - State Of Chhattisgarh Through Its Secretary Department Of Forest, Mantralaya Mahanadi Bhawan, Nawa Raipur, Atal Nagar Raipur Chhattisgarh.

2 - The Prime Chief Conservator Of Forest, Chhattisgarh H.Q. Aranya Bhawan, Jail Road Raipur Chhattisgarh.

3 - The Conservator Of Forest, Jagdalpur Circle, Jagdalpur Chhattisgarh.

4 - The Divisional Forest Officer Forest Division, Dantewada, District - Dantewada Chhattisgarh.

... Respondent(s)

For Petitioner : Mr. Rajesh Kumar Kesharwani, Advocate

For State : Mr. Vivek Siddharth Ojha, Panel Lawyer

Hon'ble Shri Justice Rakesh Mohan Pandey**Order on Board****20/04/2026**

1. The petitioner has filed this petition seeking the following relief:-

"10.1 The Hon'ble Court may kindly be pleased to call for the entire records pertaining to the impugned order.

10.2 The Hon'ble Court may kindly be pleased to issue a writ in the nature of mandamus or suitable direction to the respondents authorities for quashing

the impugned Order, dt. 02/02/2022 [Annexure P/1] and further, to quash the impugned recovery order, dt. 17/01/2012 [Annexure P/7]

10.3 The Hon'ble Court may kindly be pleased to allow any other relief as deem fit and proper with cost of petition."

2. Learned counsel appearing for the petitioner would submit that the petitioner, who retired from the post of the Forest Range Officer, Forest Division Dantewada, was served with an order of recovery dated 17.01.2012 to the tune of Rs. 1,86,172/- on the ground that he had caused financial loss to the Forest Department. He would further submit that the said order was challenged by filing WPS No. 575 of 2012, and the order of recovery dated 17.01.2012 was set aside vide order dated 03.09.2021 and the matter was remitted back to the Divisional Forest Officer, Dantewada to pass a fresh order after affording due opportunity of hearing to the petitioner.
3. Learned counsel appearing for the petitioner would contend that pursuant to the order dated 03.09.2021, passed in WPS No. 575 of 2012, a show-cause notice was issued to the petitioner and a reply was filed. He would further contend that in the reply, a specific stand was taken by the petitioner with regard to the pendency of Appeal No. 333/2021 against the order passed in WPS No. 575 of 2012; however, the said fact was not considered and again an order of recovery was passed by the State authority, i.e., the Divisional Forest Officer, vide order dated 02.02.2022. He would further submit that the petitioner retired from service on 12.09.2017; therefore, the order of recovery could not have been passed without following the provisions of Rule 9 of the Chhattisgarh Civil Services (Pension) Rules, 1976; thus, he would pray for setting aside the impugned order.

4. On the other hand, learned counsel appearing for the State would submit that Writ Appeal No. 333 of 2021 preferred to by the petitioner has rendered infructuous pursuant to the order dated 02.02.2022 issued by the respondent authorities and petitioner was set at liberty to assail the order dated 02.02.2022 in accordance with law. He would contend that during the course of enquiry, it was found that petitioner caused loss to the department, therefore, the order of recovery was passed. With regard to compliance of the provisions of Rule 9 of the Chhattisgarh Civil Services (Pension) Rules, 1976. He would submit that the subsequent order dated 02.02.2022 is in continuation of the earlier proceedings, as the first order was passed against the petitioner while he was in service, therefore, the provisions of Rule 9 of the Rules, 1976 would not attract.
5. I have heard learned counsel for the parties and perused the documents placed on file.
6. The issue which has been raised by learned counsel for the petitioner is no more res integra in view of the decision rendered in Veenu Chaudhary v. State of Chhattisgarh, wherein the Hon'ble Division Bench in paragraphs 15 and 16 held as under:

“[15] The event indicated in the charge sheet relates to the period from 06.01.1984 to 20.04.1994 and 21.04.1994 to 17.10.2006 i.e. more than 4 years before institution of the disciplinary proceeding, which is prohibited under Rule 9(2)(b)(ii) of the Rules of 1976.

[16] In that view of the matter, the present departmental proceeding instituted on the basis of charge sheet dated 25.04.2022 cannot be sustained in law. No doubt, liberty was granted by the learned Single Judge vide order dated 13.01.2022 in WPS No. 2238/2022, enabling the authorities to take appropriate action against the petitioner in accordance with law and on its own merits. Grant of

such liberty does not enable the authorities to act in violation of the Rules in force.”

7. From the above-quoted judgment, it is clear that the disciplinary proceeding is not sustainable in the eyes of law as it was initiated on the basis of events falling beyond the prescribed limitation period as per Rule 9(2)(b)(ii) of the Rules of 1976, and the liberty granted by the Court does not empower the authorities to act in contravention of the applicable statutory provisions.
8. In the present case, the earlier order of recovery was quashed in WPS No. 575 of 2012, and thereafter a subsequent order which is order impugned herein, was passed after retirement of the petitioner, therefore, the authority ought to have applied the provisions of Rule 9 of the Rules, 1976.
9. Taking into consideration the above discussed facts, the order dated 02.02.2022 (Annexure P-1) is hereby **quashed**. The respondents would be at liberty to take a fresh decision after complying with the provisions of Rule 9 of the Chhattisgarh Civil Services (Pension) Rules, 1976.
10. Accordingly, the writ petition is hereby **allowed**. No order as to cost.

Sd/-

Rakesh Mohan Pandey

JUDGE

Nadim