



2026:CGHC:34292



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 2783 of 2026

Surendra Singh S/o Late S D Singh Aged About 63 Years R/o Mission Chowk,
Behind Vishal Mega Mart, Kedarpur Ambikapur Dist- Surguja (C.G.)

... **Petitioner**

versus

1 – State of Chhattisgarh Through The Secretary Department of School
Education Mantralaya Mahanadi Bhawan Atal Nagar, Naya Raipur (C.G.)

2 - The Joint Director (Education) Surguja Division Ambikapur, Dist- Surguja
(C.G.)

3 - The District Education Officer Ambikapur, Dist- Surguja (C.G.)

... **Respondents**

For Petitioner	:	Mr. N. Naha Roy, Advocate
For State	:	Mr. Luv Sharma, PL

(Hon'ble Shri Justice Bibhu Datta Guru)

Order on Board

05/08/2026

1. The petitioner has preferred the present petition assailing the charge-sheet dated 06.03.2026 and the disciplinary proceedings initiated pursuant thereto.
2. Learned counsel for the petitioner submits that the petitioner stood superannuated from service on 31.01.2026. The impugned charge-sheet has admittedly been issued after the petitioner had retired from service.



It is contended that once the petitioner ceased to be in service, any departmental proceedings could be initiated only in accordance with Rule 9 of the Chhattisgarh Civil Services (Pension) Rules, 1976 (henceforth 'the Rules'). Since no prior sanction of Hon'ble the Governor of Chhattisgarh, as contemplated under Rule 9(2)(b)(i) of the Rules, was obtained before issuance of the charge-sheet, the entire proceedings are rendered without jurisdiction.

3. *Per contra*, learned State counsel would submit that an order dated 30.01.2026 appointing the Enquiry Officer and the Presenting Officer had been passed prior to the petitioner's retirement and, therefore, the departmental proceedings stood instituted before the petitioner attained the age of superannuation. Consequently, according to the respondents, no sanction of the Governor was required.
4. I have heard learned counsel for the parties and perused the record.
5. The question that falls for consideration is whether the order dated 30.01.2026 appointing the Enquiry Officer and the Presenting Officer can be treated as institution of departmental proceedings.
6. The admitted factual position is that the petitioner retired from service on 31.01.2026, whereas the charge-sheet containing the articles of charge came to be issued only on 06.03.2026., i.e., after the petitioner's retirement. Rule 9(2)(b) of the Rules 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



7. 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. Rule 9(2)(b)(i) clearly contemplates that where departmental proceedings are instituted after retirement, the same cannot be initiated except with the previous sanction of the Governor.
8. In the considered opinion of this Court, the answer has to be in the negative. Mere appointment of an Enquiry Officer or a Presenting Officer that too just one day before the retirement of the petitioner does not amount to institution of disciplinary proceedings. Departmental proceedings can be said to have been instituted only when the delinquent employee is served with the memorandum of charges/charge-sheet containing the articles of charge and is called upon to submit his defence. Until such charge-sheet is issued, the employee has no opportunity to answer the allegations and no regular disciplinary proceedings can be said to have commenced.
9. The respondents have not placed any material on record to demonstrate that the previous sanction of the Hon'ble Governor or any authority to whom the power as provided under Rule 9 (b) (ii) of the Rules has been delegated, had been obtained before issuance of the impugned charge-sheet. The requirement of prior sanction being mandatory, non-compliance thereof strikes at the very root of the jurisdiction to initiate departmental proceedings against a retired Government servant.
10. The contention of the respondents that the order dated 30.01.2026



amounts to institution of disciplinary proceedings cannot be accepted, as acceptance of such contention would defeat the statutory protection embodied under Rule 9 of the Rules. The mandatory safeguard provided by the Rules cannot be rendered otiose by merely appointing an Enquiry Officer prior to retirement without issuance of a charge-sheet.

11. Accordingly, this Court is of the considered opinion that the impugned charge-sheet dated 06.03.2026 and the consequential disciplinary proceedings initiated against the petitioner are without jurisdiction and cannot be sustained in law.
12. Consequently, the writ petition is allowed. The charge-sheet dated 06.03.2026 (Annexure P/1) and all consequential disciplinary proceedings initiated pursuant thereto are hereby quashed and set aside.
13. It is, however, made clear that this order shall not preclude the respondents from taking such action as may be permissible under law, subject to strict compliance with the provisions of the Rules and other applicable statutory provisions.

SD/-
(Bibhu Datta Guru)
JUDGE

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