



2025:CGHC:59832



NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 2440 of 2023

Dr. S.L. Adile S/o Late Shri J.R. Adile Aged About 67 Years R/o 104/20, Ashoka Ratan, Vidhan Sabha Road, Raipur, Chhattisgarh.

... Petitioner.

versus

1 - State Of Chhattisgarh Through The Principal Secretary, Department Of Health And Family Welfare, Mahanadi Bhawan, Atal Nagar, Raipur, Chhattisgarh.

2 - Director Medical Education, Dks Bhawan, New Raipur, Chhattisgarh.

... Respondents.

For Petitioner	:	Shri Faiz Kazi, Advocate.
For State/Res.	:	Shri Sangarsh Pandey, GA and Shri Ujjawal Choubey, PL.

Hon'ble Shri Amitendra Kishore Prasad, Judge

Order on Board

25/02/2026

1. Grievance as projected by the petitioner is that owing to Departmental Enquiry against him which was initiated during his service tenure, he is not getting entire amount of pension as well as gratuity and other service benefits.



2. Petitioner has prayed for the following reliefs:-

- (i) This Hon'ble Court may be kind enough to call for the records pertaining to the instant matter;
- (ii) This Hon'ble Court may be kind enough to quash the orders dated 07.10.2022 (Annexure P-15), 15.11.2022 (Annexure P-16) & 01.12.2022 (Annexure P-17);
- (iii) This Hon'ble Court may be pleased to direct the respondent authorities to release the complete pension and grant the retirement benefits in its entirety;
- (iv) This Hon'ble Court may be pleased to pass any other order(s) as it deems fit, in the interest of justice.

3. Brief facts of the case are that petitioner was appointed in the post of Lecturer in Government Medical College, Raipur. The petitioner got promoted to the post of Dean and was posted as In-charge Director, Medical Education, Chhattisgarh vide orders dated 21.08.2006 and 08.09.2006. The respondent State suspended the petitioner on the charge of negligence in scrutiny of educational qualification of freshly selected Assistant Professors, selected through Chhattisgarh Public Service Commission, in the medical college. Thereafter, the said suspension order was challenged by the petitioner in Writ Petition (S) No. 5392 of 2010, wherein the Hon'ble Court was kind enough to dispose off the writ petition, granting liberty to the petitioner to approach the competent authority with his claim of revocation of suspension, and directed the respondent to



decide said claim/representation within a period of 45 days. Respondent State revoked the suspension of the petitioner and posted him as Dean, Medical College, Jagdalpur vide order dated 14.08.2013. That the petitioner was transferred from Medical College, Jagdalpur to Medical College, Raigarh, in the same capacity as Dean., vide order dated 15.07.2014. That the respondent Director, Medical Education, decided the petitioner's pay scale and annual increment for the period of 01.01.2006 to 01.01.2016. It was later revised and the same was ratified by the Joint Director, Treasury Department vide order dated 12.11.2018. That The petitioner sent a proposal to the Director, Medical Education for arrears of 6TH Pay Commission and annual increment to be calculated from June 2011 to July 2018. The said proposal got approved by the Director, Medical Education, Chhattisgarh vide order/correspondence dated 30.01.2019. That the petitioner got transferred to Directorate, Medical Education as In-charge Director, Medical Education vide order dated 05.02.2019. That thereafter, the petitioner retired from the post of Dean & In-charge Director, Medical Education, w.e.f. 31.03.2020, upon reaching age of superannuation. That the petitioner had been denied retirement benefits and dues and thus the petitioner filed a Writ Petition (S) No. 4352 of 2022 wherein the Hon'ble Court was kind enough to dispose off the petition directed the respondents to consider the representation filed by the petitioner, within a period of 90 days. That thereafter, upon receiving a fresh representation submitted by the petitioner, the respondent authorities have



passed orders initiating departmental enquiry under Rule 64 of the Pension Rules and have sanctioned interim pension while putting a hold on the gratuity. That the respondents have illegally put a stop to the legally arisen dues mentioning in an order that an excess to the tune of Rs. 11,94,698 /- has been paid to the petitioner and have sanction interim pension i.e. 50% of actual pension + DA. Hence this petition.

4. Learned counsel for the petitioner submits because of the reason that Departmental Enquiry is pending against the petitioner, the petitioner is being deprived of entire amount of pension as well as gratuity and other service benefits. The petitioner retired on 31.03.2020, however, till today even after a lapse of about 6 years, the Departmental Enquiry is pending.
5. Learned State counsel submits that due to pendency of Department Enquiry against the petitioner whereby allegations of misappropriation of huge amount of money has been levelled, the petitioner could not be granted entire amount of pension as well as other service benefits including gratuity.
6. I have heard learned counsel for the parties and perused the material available with the petition.
7. From perusal of record, it appears that petitioner retired from the post of Dean and In-charge Director, Medical Education on 31.03.2020, against whom, Departmental Enquiry was initiated and owing to the initiation of the said Departmental Enquiry, he is being deprived of entire amount of pension, gratuity and other service benefits.



8. What's more concerning is that in the present case, the petitioner retired on 31.03.2020 and even after a lapse of about 6 years, the Departmental Enquiry has not been concluded for the reasons best known to the competent authority. As according to letter bearing No.F 3-2/2024/1-3/45 dated 27.06.2024 issued by State of Chhattisgarh, General Administration Department, Mantralaya, Mahanadi Bhawan, Nawa Raipur Atal Nagar, it is necessary to complete Department Enquiry within 1 year.
9. Thus, it appears that owing to Departmental Enquiry against the petitioner, he is being deprived of his legitimate rights for grant of pension and other service benefits.
10. Considering the aforesaid aspect of the matter, it is directed that the Departmental Enquiry be concluded within a period of 3 months of this order and the grievance raised by the petitioner in this petition be redressed subject to the result of the said Departmental Enquiry forthwith.
11. It is made clear that extension of time will not be granted to the Department to complete the Departmental Enquiry.
12. The petitioner is also directed to cooperate with the Departmental Enquiry and if required the Departmental Enquiry may be done by day to day basis.
13. With the aforesaid observation/direction, this Writ Petition is disposed of.
14. The petitioner is at liberty to raise his grievances which could not be redressed after completion of Departmental Enquiry.

Sd/-

**(Amitendra Kishore Prasad)
Judge**