



2026:CGHC:13115



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 21 of 2022**

- Sayyad Ahmed Ali S/o Late Shri Nawab Ali Aged About 63 Years Range Officer (Retired), R/o H. No. 325, Aman Nagar, Mowa, P.S. Mowa, Raipur, District Raipur Chhattisgarh.

--- **Petitioner****versus**

1. State Of Chhattisgarh Through Principal Secretary, Department Of Forest Mantralaya, Mahanadi Bhavan, Nawa Raipur Atal Nagar Chhattisgarh.
2. Chief Conservator Of Forests, Raipur Circle, Aranya Bhawan, Jail Road, Raipur, District Raipur Chhattisgarh.
3. Divisional Forest Officer, Dhamtari Forest Division, Dhamtari Forest Division, Dhamtari, District Dhamtari Chhattisgarh.
4. Sub Divisional Forest Officer, Dhamtari Sub Division, Dhamtari Forest Division, Dhamtari, District Dhamtari Chhattisgarh.

--- **Respondent(s)****WPS No. 3627 of 2022**

- Sayyad Ahmed Ali S/o Late Shri Nawab Ali Aged About 64 Years Range Officer (Retired), R/o H.No. 325, Aman Nagar, Mowa, P.S. Mowa, Raipur, District : Raipur, Chhattisgarh

---**Petitioner****Versus**

1. State Of Chhattisgarh Through Principal Secretary, Department Of Forest, Mahanadi Bhawan, Nawa Raipur, Atal Nagar, Raipur Chhattisgarh 492002., District : Raipur, Chhattisgarh
2. Principal Chief Conservator Of Forests And Chief Of Forest Force Aranya Bhawan, Nawa Raipur Atal Nagar, Raipur Chhattisgarh 492002.
3. J.R. Nayak Chief Conservator Of Forest, Raipur Circle, Office Of The Chief Conservator Of Forest, Vip Estate Mowa, Raipur, District Raipur 492001 Chhattisgarh.
4. Satovisha Samajdaar Divisional Forest Officer, Dhamtari Forest Division, District Dhamtari 493773 Chhattisgarh.
5. Jaidee Jha Sub Divisional Officer (Forest) Office Of The District Forest Officer, Dhamtari 493773 Chhattisgarh.



For Petitioner	:	Mr. R.S. Patel, Advocate
For State	:	Mr. Raj Kumar Gupta, Addl. Advocate General

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

19.03.2026

1. By way of (WPS No. 21 of 2022), the petitioner has sought the following relief(s):-

“10.1 That this Hon’ble Court may kindly be pleased to set aside/quash the impugned notice dated 25.08.2021 (Annexure P-1) issued by the Respondents No. 3.

10.2 That the Hon’ble Court may issue appropriate Writ directing the respondents to immediately release the arrears of the retiral benefits including gratuity and other retiral benefits along with interest.

10.3 That the Hon’ble Court may issue appropriate Writ directing the respondents to immediately fix the pension of the Petitioner and the arrears may be paid along with interest.

10.4 Any other relief(s) may also be given to the petitioner, which this Hon’ble Court may deem fit and proper in the facts and circumstances of the case.”

2. By way of (WPS No. 3627 of 2022), the petitioner has sought the following relief(s):-

“10.1 To call the records pertaining to issuance of Chargesheet dated 27.04.2022 received by the Petitioner on 07.05.2022.

10.2 That this Hon’ble Court may kindly be pleased to set aside/quash the impugned Chargesheet dated 27.04.2022 received by the Petitioner on 07.05.2022 issued by the Respondents No. 2.

10.3 To direct the Respondent No. 1 to conduct



proper preliminary Enquiry so as to find out the role of the officers responsible for the loss caused as alleged in the chargesheet and thereafter take action against the erring officers.

10.4 *Any other relief(s) may also be given to the petitioner, which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."*

3. The facts in brief are that the petitioner at the relevant time in the year 2020 was posted at Keregaon Forest Range under the Compensatory Afforestation Management & Planning Authority (CAMPA) project on the post of Forest Range Officer. A proposal was sent by the petitioner for construction of 3 km WBM road from Basikhai to Dokaal and its estimated cost was Rs. 45.30 lakhs. The said proposal was accepted and approved by the higher authorities. The petitioner got retired from services on 30.04.2021. After retirement, an order of recovery to the tune of Rs. 4,82,101/- was issued by the Divisional Forest Officer, Forest Division – Dhamtari on 25.08.2021. The foundation of said order was a letter dated 20.07.2021(Annexure R/1). The petitioner has challenged order dated 25.08.2021 on the ground that the Divisional Forest Officer, Forest Division – Dhamtari issued order Annexure P/1 without holding any enquiry and without affording any opportunity of hearing.
4. In WPS No. 3627 of 2022, the petitioner has challenged article of charge issued by the Principal Chief Conservator of Forest dated 27.04.2022 making allegations that the petitioner while discharging functions of Forest Range Officer spent more than sanctioned amount in construction of road. Further allegation against the petitioner is that he failed to make payment of Rs. 11,50,505/- to the labourers and against purchase of material.
5. The article of charge has been challenged by the petitioner on the ground



that after retirement it has been issued without grant of proper sanction from Governor. It is also stated that the article of charge was issued in contravention to Rule 9 (2) (b) of Chhattisgarh Civil Services (Pension) Rules, 1976 (for short "Rules, 1976").

6. Mr. R.S. Patel, Advocate would argue that notice of recovery dated 25.08.2021 was issued by the respondent authority without affording any opportunity of hearing. He would submit that no enquiry was conducted by the department and behind back of the petitioner said order was issued, therefore, same is bad in law and may be quashed. He would submit that revised estimate of WBM road was sent to the higher authorities, which was not considered. With regard to issuance of article of charge, Mr. Patel would submit that the article of charge was served upon the petitioner contrary to the Rule 9 (2) (b) of Rules, 1976. It is also argued that no sanction was accorded by the competent authority, therefore, the article of charge issued on 27.04.2022 may be quashed.
7. On the other hand, Mr. Raj Kumar Gupta, Additional Advocate General appearing for the State would submit that the foundation of notice of recovery is letter dated 20.07.2021 and said order has not been challenged by the petitioner. He would contend that the order dated 20.07.2021 was placed on record along with return filed on 09.06.2022 and this fact was within the knowledge of the petitioner, but no steps were taken by the petitioner to assail said order. Mr. Gupta would further contend that article of charge was issued to the petitioner before expiry of statutory period enumerated in Rule 9(2)(b) of the Rules, 1976. He would further submit that the proper sanction was accorded by the department in coordination with the Chief Minister and this fact is evident from para 2 of the article of



charge. He would submit that both the petitions deserve to be dismissed.

8. I have heard learned counsel for the parties and perused the documents placed on record.
9. Admittedly, the petitioner retired from services on 30.04.2021. The alleged event took place in the year 2020-21 and this fact is not in dispute. Rule 9 of the Rules, 1976 deals with Right of Governor to withhold or withdraw pension, Rule 9 (2)(b) of Rules, 1976 states that the departmental proceedings, if not instituted while the Government servant was in service whether before his retirement or during his re-employment shall not be instituted save with the sanction of the Governor and shall not be in respect of any event which took place more than four years before such institution, Rule 9(2)(b) of Rules, 1976 is reproduced herein-below :-

“9(2)(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].

10. In the instant case, the alleged event had taken place in the year 2020-21 and this fact is evident from the documents placed on record. The decision was taken by the department to initiate a departmental enquiry against the petitioner by furnishing article of charge dated 27.04.2022, thus, the departmental enquiry was instituted against the petitioner for the event which had taken place in the year 2020-21, and thus, it was within four years from the date of event and within one year from date of retirement.

11. With regard to sanction, it is specifically stated that in the letter dated 27.04.2022 that the article of charge has been issued after grant of sanction from the department and in coordination with the Chief Minister. The petitioner has neither pleaded nor established that the sanction was not accorded by the competent authority or it was accorded in contravention to the Rules of 1976, thus, in opinion of this Court, the departmental enquiry was instituted against the petitioner after retirement is within four corners of Rule 9 (2)(b) of Rules, 1976. Accordingly, WPS No. 3627 of 2022 is **dismissed**.

12. Fate of show-cause notice or recovery notice issued against the petitioner depends on the outcome of the departmental enquiry, if the petitioner succeeds in the departmental enquiry, he would be at liberty to place that order before the authority, which issued the order of recovery; therefore, there is no need to deal with the issues raised in said writ petition. Accordingly, WPS No. 21 of 2022 is hereby **disposed of**.



13. Taking into consideration the fact that the pension case of the petitioner has not been finalized till date; therefore, disciplinary authority is directed to make all endeavours to conclude the departmental enquiry within a period of 90 days from the date of receipt of copy of this order. The respondent authorities are also directed to finalize the pension case immediately thereafter. The petitioner would be at liberty to place relevant documents before the enquiry officer/disciplinary authority in support of his case, if departmental enquiry is still pending.

Sd/-
(Rakesh Mohan Pandey)
Judge

\$iddhant