

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 2399 of 2026

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HARISH JAGJIVAN CHAUHAN

Versus

STATE OF GUJARAT & ORS.

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Appearance:

ADITI S RAOL(8128) for the Petitioner(s) No. 1
MS KINJAL VYAS ASSISTANT GOVERNMENT PLEADER for the
Respondent(s) No. 1,2,3

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CORAM:HONOURABLE MR. JUSTICE NIRZAR S. DESAI

Date : 24/02/2026

ORAL ORDER

1. Heard learned advocate Ms. Aditi Raol appearing for the petitioner and learned Assistant Government Pleader Ms. Kinjal Vyas appearing for the respondent-State.

2. Learned advocate Ms. Aditi Raol appearing for the petitioner submitted that even for initiation of departmental inquiry and even as per Bombay Civil Service Rules (BCSR), the authority cannot initiate departmental inquiry after four years from the date of retirement.

Here, in the instant case, the respondent authority, after eleven years from the retirement of the petitioner, has passed the impugned order stating that the promotion granted to the petitioner to the cadre of Senior Clerk was erroneous, and vide order dated 12.01.2026, the petitioner was again demoted to the post of Junior Clerk, and consequential orders would follow, which would amount to recovery of the excess amount and would affect the pension of the petitioner. According to learned advocate Ms. Aditi Raol, even the initiation of the process was started only in the year 2025, i.e., after ten years, which is impermissible, and therefore, the impugned order is without any authority and contrary to the provisions of the Bombay Civil Service Rules (BCSR).

3. Considering the above submissions, issue **NOTICE to the respondents, returnable on 10.08.2026.** Learned Assistant Government Pleader waives

service of notice on behalf of the respondents.

In the meantime, there shall be ad-interim relief in terms of paragraph No. 22(D).

(NIRZAR S. DESAI,J)

Pallavi

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: PALLAVIBEN PRABHUDAS PANCHAL(HC01403), PRIVATE SECRETARY, at High Court of Gujarat on 24/02/2026 17:03:10