



**IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE  
BEFORE**

**HON'BLE SHRI JUSTICE SUBODH ABHYANKAR**

**ON THE 1<sup>st</sup> OF OCTOBER, 2024**

**WRIT PETITION No. 7932 of 2023**

***NARENDRA KUMAR JAIN***

*Versus*

***THE STATE OF MADHYA PRADESH HOME DEPARTMENT AND  
OTHERS***

**Appearance:**

Shri Sunil Jain, learned senior advocate with Shri Kushagra Jain,  
learned counsel for the petitioner.

Ms. Mradula Sen, appearing on behalf of Advocate General.

**ORDER**

1] This writ petition has been filed by the petitioner under Article 226 of the Constitution of India seeking the following reliefs:-

- a. Quash the departmental enquiry initiated against the petitioner dated 16.03.16,
- b. Direct the respondent authorities to grant the petitioner his actual pension, arrears with interest,
- c. Direct the respondents to grant the petitioner his complete gratuity with interest,
- d. To grant all other consequential benefits,
- e. Cost of this petition, and
- f. Any other appropriate relief, which this Hon'ble court may deem fit in the present facts and circumstances be awarded."



2] The grievance of the petitioner is that his pensionary dues are not being cleared in the garb of departmental inquiry.

3] In brief, the facts of the case are that the petitioner was posted as Deputy Superintendent of Police, against whom, a departmental inquiry was initiated on 18/04/2012, for his involvement in a case of bribe, and was issued a charge sheet, which was challenged by the petitioner in W.P. No.9287/2012, which was allowed on 28/01/2013, and the charge sheet was quashed with liberty to the respondents to issue fresh charge sheet in accordance with law. However, on 16/03/2016, another charge sheet was issued to the petitioner by the DIG, Ujjain which was again challenged by the petitioner in WP No.18321/2017, which was dismissed on 10/11/2017, and thereafter, W.A. No.1202/2017 preferred by the petitioner was also dismissed on 16/07/2018.

4] Prior to that, a fresh charge sheet was also issued to the petitioner, however, the departmental inquiry was not concluded by the respondents in which the petitioner also participated, however, as the requisite documents were not supplied to the petitioner, he also sent various letters to the respondents to furnish him the relevant documents, however, neither the documents were supplied nor the departmental inquiry was concluded. Hence, the petitioner also wrote to the department to drop the departmental inquiry and finally, the present petition has been filed seeking the aforesaid reliefs.

5] Learned counsel for the petitioner has drawn the attention of this Court to the reply filed by respondents, in which, it is clarified by the respondent department itself by the Additional Secretary on



10/06/2020, observing that since it has already been more than four years since the incident has taken place, no further inquiry is envisaged against the petitioner, and thereafter another reply was also filed by the State on 28/05/2024, in which also, it is stated that no further departmental inquiry can be proceeded against the petitioner. Thus, it is submitted that the respondents be directed to clear the retiral dues of the petitioner, and it be also directed that no further departmental inquiry be initiated or proceeded against him.

6] Learned counsel for the respondents/State, on the other hand has opposed the prayer and it is submitted that no case for interference is made out. Two replies, one on 10/06/2020, and another on 28/05/2024 have also been filed by the State.

7] Heard. On due consideration of rival submissions and on perusal of the record, it is found that so far as the replies filed by the respondents on 10/06/2020 and 28/05/2024 are concerned, in the reply dated 10.06.2020, it has been averred as under:-

“2) प्रकरण में घटित घटना दिनांक 22/03/2012 लगभग 8 वर्ष पूर्व की है। श्री एन.के. जैन, निरीक्षक दिनांक 30/09/2015 को सेवानिवृत्त हो चुके हैं। चूंकि घटित घटना 04 वर्ष पूर्व की है। मध्यप्रदेश सिविल सेवार्यें(पेंशन) नियम 1976 के नियम 9 (2)(बी) में प्रावधान है कि यदि शासकीय सेवक के सेवा में रहते हुए चाहे सेवानिवृत्ति के पूर्व अथवा उसकी पुनर्नियुक्ति के दौरान विभागीय कार्यवाही संस्थित नहीं की गई है तो ऐसी कार्यवाहियां संस्थित करने से 4 वर्ष से अधिक पूर्व घटित किसी घटना से संबंधित नहीं होगी। अतः उक्त प्रावधान के तहत अब श्री एन.के. जैन के विरुद्ध विभागीय जांच की कार्यवाही नहीं की जा सकती।”

8] Whereas, in the reply dated 28/05/2024, it has been averred as under:-



“2) प्रकरण के संबंध में निर्देशानुसार लेख है कि प्रकरण में घटित घटना 04 वर्ष पूर्व की है, ऐसी स्थिति में मध्यप्रदेश सिविल सेवा (पेंशन) नियम 1976 के नियम 9 (2)(बी) में प्रावधान है कि यदि शासकीय सेवक के सेवा में रहते हुए चाहे सेवानिवृत्ति के पूर्व अथवा उसकी पुनर्नियुक्ति के दौरान विभागीय कार्यवाही संस्थित नहीं की गई है तो ऐसी कार्यवाहियां संस्थित करने से 04 वर्ष से अधिक पूर्व घटित किसी घटना से संबंधित नहीं होगी। उक्त प्रावधान के तहत सेवानिवृत्त श्री एन.के. जैन के विरुद्ध विभागीय जांच की कार्यवाही नहीं की जा सकती।”

9] On perusal of both the letters, it would reveal that the respondents themselves have concluded that no further proceedings can be initiated against the petitioner. In such circumstances, this Court is also of the considered opinion that no purpose would be served to keep the matter alive which has already reached a stalemate.

10] Resultantly, petition is allowed and the departmental proceedings initiated against the petitioner are hereby quashed, and the respondents are directed to clear all the retiral dues of the petitioner within a period of three months from the date of receipt of certified copy of this order. The petitioner shall also be entitled to the interest at the applicable bank rates from the date of his entitlement.

Petition stands allowed and *disposed of*.

Sd/-

**(SUBODH ABHYANKAR)**  
**JUDGE**

krjoshi