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WP-27276-2022

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE VIJAY KUMAR SHUKLA

ON THE 16th OF OCTOBER, 2025WRIT PETITION No. 27276 of 2022*POORANSINGH BHEEL**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

Appearance:

Shri Anand Agrawal learned counsel for the petitioner.

Shri Kushagra Jain learned counsel for the respondent/state.

ORDER

The present petition is filed under Article 226 of the Constitution of India, being aggrieved by the action of the respondents in not releasing 100% pension of the petitioner and other retiral claims like Gratuity, Leave Encashment, Arrears of Salary etc.

The petitioner, who was working as Sub-Registrar, retired on completion of the age of superannuation with effect from 30.04.2016. The respondents filed the reply and in the reply, it is stated that the petitioner was granted 90% anticipatory pension and the entire pension was not finalized because a criminal case is pending against the petitioner.

It is further submitted that in compliance to the order passed by the High Court in a public interest litigation WP No.5394/2016, an FIR was registered against the petitioner for commission of offences under sections 420, 262 of IPC at Police Station Agar Malwa and considering the gravity and seriousness of the alleged offence, the pension of the petitioner was not finalized and the other retiral dues were not paid.



After hearing learned counsel for the parties, it is apposite to issue involvement in the present case that whether the respondents can withhold the pension of the petitioner and other retiral dues only because of the registration of the FIR after one year of the retirement. It is apposite to reproduce the provision of Rule 8 of MP Civil Services (Pension) Rules, 1976 (hereinafter referred as Rules, 1976) :-

8. Pension subject to future good conduct.— (1) (a) Future good conduct shall be an implied condition .of every grant of pension and its continuance under these rules.

(b) The pension sanctioning authority may, by order in writing withhold or withdraw a pension or part thereof, whether permanently or for a specified period, if the pensioner is convicted of a serious crime or is found guilty of grave misconduct:

Provided that no such order shall be passed by an authority subordinate to the authority competent at the time of retirement of the pensioner, to make an appointment to the post held by him immediately before his retirement from service,

Provided further that where a part of pension is withheld or withdrawn the amount of such pension shall not be reduced below the minimum pension as determined by the Government from time to time.

Upon perusal of the aforesaid provisions, this court finds that the pension of an employee is subject to future good conduct under Rule 8 and Rule 8-B provides that the pension sanctioning authority may, by order in writing withhold or withdraw a pension or part thereof, whether permanently or for a specified period, if the pensioner is convicted of a serious crime or is found guilty of grave misconduct.

The provisio further engrafts that no such order shall be passed by an authority subordinate to the authority competent at the time of retirement of the pensioner, to make an appointment to the post held by him immediately before his retirement from service. There are other provisio also appended to the said sub-rule 8-B.

In the present case, admittedly, on the date of retirement or thereafter, the



petitioner was not convicted and therefore, the respondents could not have withheld the pension on the ground of registration of FIR. The provision of Rule 8 is axiomatic that the pension can only be withheld in Rule 8 of Rules, 1976 when there is a conviction of a serious crime or the employee is found guilty of grave misconduct.

In the reply also, the respondents have not stated that the petitioner has been convicted till the date of filing of the reply.

Thus, the impugned action of the respondents withholding the retiral dues of the petitioner is set aside. The respondents are directed to pay 100% pension and also other retiral dues in accordance with the law, alongwith all consequential reliefs. The aforesaid exercise shall be carried out within the period of 60 days from the date of filing of a copy of the order passed today.

It is made clear that if the petitioner has been convicted during the pendency of the petition, or in future, the liberty is granted to the respondents to pass an order in accordance with the provisio to Rule 8 of Rules, 1976.

With the aforesaid, the present petition stands allowed and disposed of.

(VIJAY KUMAR SHUKLA)
JUDGE

Sourabh