

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____/2026
[ARISING OUT OF SPECIAL LEAVE PETITION (CIVIL) NO.19243/2024]

RAJENDRA RAO MANNEWAR

APPELLANT(S)

VERSUS

UNION OF INDIA & ORS.

RESPONDENT(S)

O R D E R

1. Leave granted.
2. Heard learned counsel for the parties.
3. The appellant served as Director at National Skill Training Institute (NSTI), Kanpur. He demitted office on attaining the age of superannuation on 30.06.2019. Just prior to his retirement, he was placed under suspension *vide* order dated 26.06.2019 and later, on 28.01.2021, served a charge-sheet.
4. Aggrieved by the departmental proceedings pursuant to the charge-sheet dated 28.01.2021, the appellant filed Original Application (OA) No.330/00411/2022 before the Central Administrative Tribunal, Allahabad Bench, Allahabad (CAT), *inter alia*, on the ground that those proceedings

were not initiated in terms of Rule (9)(2)(b) of CCS (Pension) Rules, 1972, (for short, 'the Rules, 1972'). The aforesaid OA was allowed *vide* order dated 27.09.2023 with the following direction:

"11. In the light of above discussions, the charge sheet issued against the applicant is quashed and set aside. The OA is partially allowed to the extent that the charge sheet dated 28.01.2021 served to the applicant *vide* letter dated 24.11.2021 is quashed. The interim protection granted is made absolute. The respondents/competent authority is directed to initiate the *de-novo* disciplinary action from the point it has vitiated from the correct provisions of Rule 9 (2) (b) of CCS (Pension) Rules 1972. No order as to costs."

5. As the charge in respect of which proceedings were initiated against the appellant related to a conduct more than 4 years prior to the date of his superannuation, by placing reliance on Rule (9)(2)(b) of the Rules, 1972, the appellant filed a writ petition before the High Court of Judicature at Allahabad for setting aside that part of the order which permitted holding of *de novo* inquiry. However, the said writ petition was dismissed by the High Court. While dismissing the writ petition, the High Court took notice of the contentions raised on behalf of the writ petitioner in paragraphs 6, 7 and 8 of its judgment, which are extracted below:

"6. Now the grievance of the petitioner in the present writ petition is that though the Original Application is allowed but after issuing the charges against petitioner the Tribunal has given liberty to the respondent to initiate the de-novo disciplinary action from the point of view that it has vitiated the correct provisions of Rule 09 (2)(b) of CCS (Pension) Rules 1972.

7. Learned counsel for the petitioner has placed reliance on Rule 09(2)(b) of CCS (Pension) Rules 1972. According to the said Rule, the respondents have no power to initiate any disciplinary proceedings, after more than 4 years, before such institution, Hence, he requested to set aside the order passed by the Tribunal with regard to initiation of disciplinary action. Further it is submitted that despite making specific request of the claimant/petitioner, the respondent was to release/pay all retiral benefits with interest but the same was not released.

8. Considering the two contentions, the Tribunal has considered the entire legal position and Rules and rightly set aside the charge that has been issued against the petitioner. Further liberty has been given to the respondents only as per the provisions of Rule 09 (2) (b) of CCS (Pension) Rules 1972, whatever, the protection under Section 09 (2) (b) the authorities would consider while initiating any further proceedings."

6. Assailing the order of the High Court as well as the leave granted by the Tribunal permitting *de novo* inquiry, the learned counsel for the appellant has placed reliance on Rule 9 of the Rules, 1972, which reads thus:

"9. Right of President to withhold or withdraw pension

(1) The President reserves to himself the right of withholding a pension or gratuity, or both, either in full or in part, or withdrawing a pension in full or in part, whether permanently or for a specified period, and of ordering recovery from a pension or gratuity of the whole or part of any pecuniary loss caused to the Government, if, in any departmental or judicial proceedings, the pensioner is found guilty of grave misconduct or negligence during the period of service, including service rendered upon re-employment after retirement :

Provided that the Union Public Service Commission shall be consulted before any final orders are passed: Provided further that where a part of pension is withheld or withdrawn the amount of such pensions shall not be reduced below the amount of rupees three hundred and seventy-five per mensem.

(2) (a) The departmental proceedings referred to in sub-rule (1), if instituted while the Government servant was in service whether before his retirement or during his re-employment, shall, after the final retirement of the Government servant, be deemed to be proceedings under this rule and shall be continued and concluded by the authority by which they were commenced in the same manner as if the Government servant had continued in service:

Provided that where the departmental proceedings are instituted by an authority subordinate to the President, that authority shall submit a report recording its findings to the President.

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 President, (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 President may direct and in accordance with the procedure applicable to departmental proceedings in which an order of dismissal from service could be made in relation to the Government servant during his service."

7. It is the case of the appellant that the appellant had superannuated on 30.06.2019 and the alleged misconduct on which inquiry was proposed related to the year 2017. Thus, on the date when CAT had passed the order, *de novo* inquiry could not have been initiated in view of the embargo placed by Rule (9)(2)(b) of the Rules, 1972. It is also the case of the appellant that the respondents have not challenged the order passed by CAT and, therefore, the order of CAT to the extent it quashes the charge sheet and consequential proceedings has attained finality. Consequently, once the *de novo* inquiry is barred by Rule (9)(2)(b) of the Rules, 1972, the matter ought to have been closed and no further proceedings need be permitted against the appellant who had already retired.

8. Taking note of the aforesaid submissions, on 25.02.2026, we had required the learned counsel representing the Union of India to seek instructions whether the Union of India is interested in serving a charge-sheet and conducting *de novo* inquiry in terms

directed by CAT.

9. The learned counsel for the Union has made a statement that they intent to institute a *de novo* inquiry but are awaiting clearance from CVC.

10. Having considered the submissions, we are of the view that Rule (9)(2)(b) of the Rules, 1972 is clear in placing an embargo on instituting departmental proceedings, if not instituted while the Government servant was in service, whether before his retirement or during his reemployment, save with the sanction of the President and in any case not in respect of any event which took place more than four years before such institution. In the instant case, the proceedings earlier instituted were quashed by CAT for want of sanction. The order of CAT has attained finality insofar as those proceedings are concerned. Once that is the position, a fresh inquiry cannot be initiated as the conduct in respect of which such inquiry was proposed related to a period more than 4 years before the decision of CAT. Accordingly, we are of the view that the order passed by the High Court needs interference.

11. Accordingly, this appeal is allowed. The impugned order passed by the High Court dismissing the writ petition of the appellant is hereby set aside. The writ petition of the appellant shall stand allowed. In consequence, liberty

to hold *de novo* departmental proceeding(s) accorded by CAT being in teeth of Rule 9(2)(b) of the Rules, 1972 shall stand quashed. The retiral dues of the appellant shall be processed and paid accordingly.

12. Pending application(s), if any, shall stand disposed of.

.....J
[MANOJ MISRA]

.....J
[MANMOHAN]

New Delhi
March 11, 2026

ITEM NO.32

COURT NO.14

SECTION XI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

PETITION FOR SPECIAL LEAVE TO APPEAL (C) NO.19243/2024

[Arising out of impugned final judgment and order dated 18-03-2024 in WRIT-A No. 4185/2024 passed by the High Court of Judicature at Allahabad]

RAJENDRA RAO MANNEWAR

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

Date : 11-03-2026 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MANOJ MISRA
HON'BLE MR. JUSTICE MANMOHAN

For Petitioner(s) :Mr. Jayprakash B Somani, Adv.
Mr. Nishant Verma, AOR
Mr. Rajnish Kumar, Adv.
Ms. Shruti Kriti, Adv.
Mr. Jeevan R Patil, Adv.

For Respondent(s) :Mr. K.M. Nataraj, A.S.G.
Mr. Rajan Kr. Chourasia, Adv.
Mr. Amit Sharma-b, Adv.
Mr. Sharath Nambiar, Adv.
Mr. Vinayak Sharma, Adv.
Mr. Amit Sharma-v, Adv.
Dr. N. Visakamurthy, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. Leave granted.
2. The appeal is allowed in terms of the signed order which is placed on the file.
3. Pending application(s), if any, shall stand disposed of.

(KAVITA PAHUJA)
ASTT. REGISTRAR-cum-PS

(SAPNA BANSAL)
COURT MASTER (NSH)