

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

BEFORE

HON'BLE SHRI JUSTICE PRANAY VERMA

ON THE 12th OF JULY, 2024

WRIT PETITION No. 29400 of 2023

ANIL GADHAVE

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

*(SHRI SANJAY JAMINDAR, LEARNED COUNSEL FOR THE
PETITIONER.)*

*(SHRI SUDHANSHU VYAS, LEARNED PANEL LAWYER FOR THE
RESPONDENTS/STATE.)*
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ORDER

1. Facts of the case reveal that the petitioner is aggrieved by the action of the respondents in withholding all retrial dues on account of the petitioner's conviction in respect of Crime No.19/2012 for offence under Sections 7 of the Prevention of Corruption Act, 1988 read with Section 120 of the IPC.

2. Learned counsel for the petitioner has drawn the attention of this Court by relying upon the decision in **Dua Ram Maheshwar Vs. State of M.P. 2017 (1) M.P.L.J. 640** and has contended that in the aforesaid case, it has been held that without issuing show cause notice, the retrial dues cannot be withheld.

3. The matter has been referred to the Full Bench of this Court vide W.P.-1353-2011 decided on 18.7.2017, wherein following order has been passed:-

"In view of the majority opinion, it is held that opportunity of hearing is required to be provided before an order of stoppage of pension is passed

under Section 8(2) of the Civil Services (Pension) Rules, 1976 and that judgment of **Dua Ram Maheswar Vs. State of M.P. 2017 (1) MPLJ 640** is correctly decided."

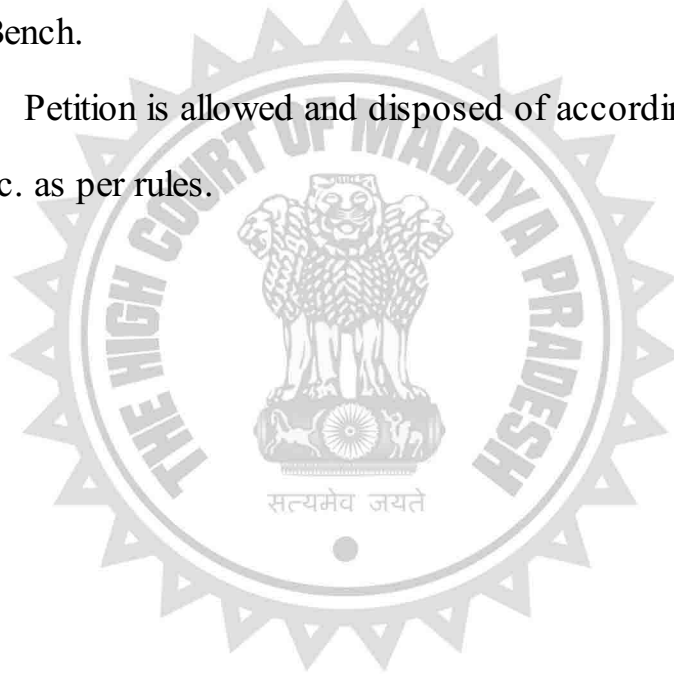
4. In the present case, no such opportunity was provided at any point of time to the petitioner. The impugned order dated 12.03.2024 (Annexure P/6) is quashed.

5. The respondents are directed to release the arrears of pension to the petitioner within a period of two months from today. However, the respondents are free to proceed ahead in accordance with law in light of the order passed by the Full Bench.

6. Petition is allowed and disposed of accordingly.

C.c. as per rules.

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(PRANAY VERMA)
JUDGE