IN THE HIGH COURT OF MADHYA PRADESH AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE ASHISH SHROTI

ON THE 3rd OF NOVEMBER, 2025

WRIT PETITION No. 42628 of 2025

BABOOLAL MAHAVAR KOLI

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Ms. Anchan Pandey- learned counsel for the petitioner through video conferencing.

Shri B.M. Patel- learned Government Advocate for the respondents/State.

ORDER

1. The petitioner has filed this petition seeking for following reliefs:-

"7.1 Direct the respondents to release full salary and allowances for the suspension period instead of 50%.

7.2. Direct the respondents to release all pending retiral benefits including G.P.F., G.LS., gratuity, and leave encashment.

7.3. Direct the respondents to commence provisional pension to the petitioner from 01.03.2024, in accordance with Rule 64 of the M.P. Civil Services (Pension) Rules, 1976.

7.4. Declare that the offence in question does not amount to grave misconduct, and therefore, pensionary benefits cannot be withheld.

7.5. Grant any other relief(s) deemed just, proper, and equitable in the facts and circumstances of the case,

including cost of litigation."

2. It is seen that the petitioner was working as Time Keeper in Public Health Engineering Department and stood retired from service w.e.f. 28/02/2024. While he was in service, he got involved in a criminal case for the offence punishable under Sections 452, 323, 427/34 of IPC. Resultantly, he was placed under suspension vide order dated 06/12/2017. Subsequently, vide order dated 30/01/2019, the suspension of the petitioner was revoked.

3. It is further seen that the petitioner has been convicted for the aforesaid offence vide judgment dated 19/11/2024 passed in S.T. No.21/2022. He has challenged the said judgment before this Court in CR.A. No.13294/2024 wherein the sentence has been suspended. The petitioner now claims settlement of his retiral benefits on account of his retirement w.e.f. 28/02/2024.

4. Since the petitioner has been convicted after his retirement, the competent authority is now required to pass suitable order for settlement of his retiral dues as also regarding payment of pension under Rule 9 of the M.P. Civil Services (Pension) Rules, 1976. Needless to mention, so long as such an order is not passed, respondents are also required to pay provisional pension to the petitioner under the Rule 64 of the Pension Rules.

5. The learned counsel for petitioner placed reliance upon Division Bench judgment of this Court in the case of **Radha Krishna Sharma Vs. State of M.P. & Ors. in W.A. No.875 of 2020**. However, the said case is not attracted in the facts of this case inasmuch as in the case before Division Bench, the order withholding pension was already passed whereas in the case in hand no such order is passed. The learned counsel also placed reliance

upon the judgment rendered by this Court in the case of **Badelal Pathak Vs. State of M.P. & Ors. in W.P. No.18341/2023** . The directions issued by this Court in this case are required to be kept in mind by the Competent Authority while passing the order in this case. The learned counsel then relied upon judgment of this Court in the case of **Kanhaiyalal Damde Vs. State of M.P. & Ors. in W.P. No.20032/2020** . There is no dispute regarding directions issued by this Court in this case. Infact, this Court has also observed hereinbefore regarding entitlement of petitioner to get provisional pension from the date of his retirement till passing of suitable order by competent authority under Rule 9 of Pension Rules.

6. Since necessary order has yet not been passed by the respondents, this petition is disposed off giving liberty to the petitioner to make representation before the competent authority seeking payment of his retiral dues. If such representation is made, the competent authority shall process the matter for passing necessary order in accordance with law within a period of 90 days' from the date of submission of representation by petitioner. The ratio of this Court in the case of **Badelal Pathak** (supra) shall be kept in mind while passing order.

7. With the aforesaid, this writ petition is disposed off.

(ASHISH SHROTI)
JUDGE

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