

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s). OF 2026
(Arising out of SLP(C) No(s). 5138-5139/2023)

KAMATA PRASAD SONI

APPELLANT(S)

VERSUS

THE STATE OF MADHYA PRADESH
& ORS.

RESPONDENT(S)

ORDER

1. Leave granted.
2. Heard learned counsel for the parties.
3. The pension of the appellant was withdrawn by the Governor *vide* order dated 25.02.2020 in exercise of power under Rule 9 of the Madhya Pradesh Civil Services (Pension) Rules, 1976¹.
4. The aforesaid order was challenged before the High Court but the petition was dismissed by the Single Judge which order was upheld by the Division Bench.
5. One of the submissions of learned counsel for the appellant is that while exercising power under Rule 9 of the said Rules, it is mandatory for the Governor to consult the Public Service Commission before passing any final order with

1 Hereinafter referred to as “the said Rules”.

regard to the withdrawal of the pension. The Governor has not consulted the Public Service Commission in this matter before passing the order dated 25.02.2020.

6. We have gone through Rule 9 of the said Rules. The Rule reads as under:

9. Right of Governor to withhold or withdraw pension.-(1) The Governor reserves to himself the right of withholding or withdrawing a pension or part thereof, whether permanently or for a specified period, and of ordering recovery from pension of the whole or part of any pecuniary loss caused to the Government if, in any departmental or judicial proceeding, the pensioner is found guilty of grave misconduct or negligence during the period of his service, including service rendered upon re-employment after retirement:

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Provided further that where a part of pension is withheld or withdrawn, the amount of such pension shall not be reduced below [the minimum pension as determined by the Government from time to time];"

7. A simple reading of the aforementioned proviso to the Rule 9 makes it clear that the order for the withdrawal of pension can be passed by the Governor provided the State Public Service

Commission is consulted before passing of any such final order.

8. Admittedly, the State Public Service Commission was not consulted.

9. The submission of the learned counsel for the State is that since the appellant was not appointed through the Public Service Commission, therefore, no need was felt to consult the State Public Service Commission.

10. The aforesaid Rules makes no distinction between the appointments made directly or on the recommendations of the State Public Service Commission. Moreover, the Governor himself has exercised the power under Rule 9 of the said Rules meaning thereby that the appellant is governed by the aforesaid Rules and as such, it was incumbent upon him to follow the aforesaid provision in full.

11. In view of the aforesaid, as the State Public Service Commission was not consulted before passing the order dated 25.02.2020, the same cannot be sustained in law.

12. Accordingly, the impugned order(s) passed by the High Court dated 05.01.2023 and 05.05.2022

as well as the order of Governor dated 25.02.2020 withholding the pension of the appellant is hereby set aside.

13. The present appeals are allowed in the above terms.

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

.....J.
[PANKAJ MITHAL]

.....J.
[S.V.N. BHATTI]

NEW DELHI;
APRIL 10, 2026.
SD

ITEM NO.48

COURT NO.9

SECTION IV-C

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

Petitions for Special Leave to Appeal (C) Nos. 5138-5139/2023

[Arising out of impugned final judgment and order dated 05-05-2022 in WP No. 10141/2022 and 05-01-2023 in WA No. 911/2022 passed by the High Court of Madhya Pradesh Principal Seat at Jabalpur]

KAMATA PRASAD SONI

Petitioner(s)

VERSUS

THE STATE OF MADHYA PRADESH & ORS.

Respondent(s)

(IA No. 42978/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT; IA No. 42980/2023 - EXEMPTION FROM FILING O.T.)

Date : 10-04-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PANKAJ MITHAL

HON'BLE MR. JUSTICE S.V.N. BHATTI

For Petitioner(s) Ms. Mrinmoi Chatterjee , AOR

For Respondent(s) Mr. Harmeet Singh Ruprah, AOR

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

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

(SNEHA DAS)
SENIOR PERSONAL ASSISTANT

(NIDHI MATHUR)
COURT MASTER (NSH)