

**State by Deputy Superintendent of Police  
v.  
B.T. Ramesh & Anr.**

(Civil Appeal No(s). 9463-9465 of 2025)

14 July 2025

**[Dipankar Datta\* and Manmohan, JJ.]**

**Issue for Consideration**

Issue arose whether the High Court was justified in quashing the criminal proceedings, on the grounds of the chargesheet having been filed more than four years after the date of the alleged incident and lack of sanction; and whether r.214 of the Karnataka Civil Services Rules, 1958 has any application to stifle criminal proceedings for offences punishable under the IPC or the PC Act or any analogous law.

**Headnotes<sup>†</sup>**

**Code of Criminal Procedure, 1973 – ss.197, 482 – Prevention of Corruption Act, 1988 – Karnataka Civil Services Rules, 1958 – r.214 – Quashing of criminal proceedings – Sanction for prosecution – Application of r.214 to stifle criminal proceedings under IPC or PC Act – Respondent-chief engineer in the government department allegedly abused his official position, thereby causing loss to the public exchequer – FIR lodged for offences punishable under IPC and PC Act – Filing of chargesheet – High Court quashed criminal proceedings against the respondent on the grounds that chargesheet was filed more than four years after the date of the alleged incident and lack of sanction – Correctness:**

**Held:** r.214, by any rule of construction, has no application to suppress pending criminal proceedings in the early stage or for stifling such proceedings after cognisance of offence has been taken for no better reason than that the timelines embodied therein have not been adhered to – High Court quashed the proceedings against the respondent by referring to r.214 which, had no application – Ground that the chargesheet having been filed more than four years after the date of the alleged incident for quashing the proceedings

\* Author

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unsustainable – As regards, sanction u/s.197, High Court erred in quashing the proceedings *qua* the offences under the PC Act as it did not appreciate that s.19 thereof, prior to its amendment in 2018, applied only to public servants who were in office at the time of taking of cognisance of offence – Thus, since the respondent retired in 2012 and the cognisance of the offence was taken, four years after his retirement, he was not entitled to the protection u/s.19 PC Act – Such protection would have been available to him only if cognisance were taken while he was still in service – High Court erred in quashing the proceedings on the first ground that chargesheet having been filed more than four years after the date of the alleged incident, completely; and on the second ground of lack of sanction, partly –Impugned order, quashing the proceedings for the offences punishable u/s.13(1)(c) &(d) rw s.13(2) PC Act set aside – Proceedings against respondent restored and may continue for such offences. [Paras 16-25]

**Karnataka Civil Services Rules, 1958 – r.214 – Withholding or withdrawing pension for misconduct or negligence – Scope of r.214 – Explained.** [Paras 16-17]

#### **Case Law Cited**

*State of Punjab v. Kailash Nath* [1988] Supp. 3 SCR 911 : (1989)  
**1 SCC 321; A. Srinivasulu v. State of T.N.** [2023] 10 SCR 11 :  
**(2023) 13 SCC 705 – referred to.**

*Mohamed Haneef v. Thirthahalli Police*, 1985 SCC OnLine Kar 203; *A.K. Chowdekar v State of Karnataka*, 2013 SCC OnLine Kar 10754; *State of Karnataka v. P. Giridhar Kudva*, 2020 SCC OnLine Kar 5723 – referred to.

#### **List of Acts**

Code of Criminal Procedure, 1973; Prevention of Corruption Act, 1988; Karnataka Civil Services Rules, 1958; Constitution of India; Bharatiya Nagarik Suraksha Sanhita, 2023; Karnataka Civil Services (Second Amendment) Rules, 1985.

#### **List of Keywords**

Quashing; Quashing the criminal proceedings; Public servant; Abused official positions; Sanction; Sanction for prosecution Discharge of official duties; Retired public servants; Lack of

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sanction; Stifle criminal proceedings; Interpretation of statutes; Rule of construction; Chargesheet; Loss to the public exchequer; Cognisance.

### Case Arising From

CIVIL APPELLATE JURISDICTION: Civil Appeal No(s). 9463-9465 of 2025

From the Judgment and Order dated 05.07.2022 of the High Court of Karnataka at Bengaluru in WP Nos. 61305, 61306 and 61307 of 2016

### Appearances for Parties

*Advs. for the Appellant:*

Devadatt Kamat, Sr. Adv., D. L. Chidananda, Ajay Desai, Revanta Solanki.

*Advs. for the Respondents:*

Gopal Sankaranarayanan, Anand Sanjay M Nuli, Sr. Advs., Mrigank Prabhakar, Ms. Ishita Choudhary, Shourya Dasgupta, Ms. Aditi Gupta, Siddharth Sahu, Suraj Kaushik, M/s. Nuli & Nuli.

### Judgment / Order of the Supreme Court

#### Judgment

**Dipankar Datta, J.**

1. Leave granted.
2. The present appeals by the State of Karnataka register a challenge to the common judgment and order dated 5<sup>th</sup> July, 2022<sup>1</sup> of the High Court of Karnataka<sup>2</sup> in three Writ Petitions<sup>3</sup> filed by the 1<sup>st</sup> respondent – B.T. Ramesh<sup>4</sup> under Articles 226 and 227 of the Constitution read with Section 482 of Code of Criminal Procedure, 1973<sup>5</sup>. *Vide* the impugned order, the three writ petitions were allowed

1 impugned order

2 High Court

3 W.P. No.61305/2016 (GM-RES) c/w W.P. No.61306 of 2016 c/w W.P. No.61307/2016

4 Ramesh

5 Cr. PC

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with the consequence that proceedings against Ramesh, in three complaint cases<sup>6</sup>, stood quashed.

3. The occasion for filing three separate Writ Petitions before the High Court arose as three separate criminal proceedings (Special C.C. Nos. 252, 273 and 253 of 2016) were pending against Ramesh. In all such proceedings, a common chargesheet dated 3<sup>rd</sup> June, 2016 was filed, wherein Ramesh was arraigned as one of several accused.
4. Facts, in brief, necessary for the disposal of the present appeals are these:
  - a. From 15<sup>th</sup> February, 2008 to 15<sup>th</sup> January, 2011, Ramesh was working as Chief Engineer, Bruhath Bengaluru Mahanagara Palike<sup>7</sup> (West) and had the power to grant technical sanction for works estimated between 30 lakh and 60 lakh.
  - b. On 26<sup>th</sup> March, 2009, Ramesh had granted technical sanction for asphalting of certain main roads and cross roads.
  - c. On 3<sup>rd</sup> November, 2011, the 2<sup>nd</sup> respondent<sup>8</sup> lodged a complaint alleging irregularities in execution of works by the office of the BBMP. No one was named in this complaint as an accused.
  - d. Next day, on 4<sup>th</sup> November, 2011, an FIR was registered against unknown persons on the basis of the said complaint under FIR number 4/2011 under Sections 420, 406, 409, 465, 468, 471, 477(a) and 120B of the Indian Penal Code, 1860<sup>9</sup> and Section 23 of Karnataka Transparency Public Procurement Act, 1999.
  - e. On 31<sup>st</sup> May, 2013, Ramesh retired from service on attaining the age of superannuation.
  - f. More than three years after such retirement and almost four years and seven months after the lodging of the complaint, Crime Investigation Department (CID) filed a chargesheet in Crime No. 4/2011 (Special C.C. No. 252/2016) on 3<sup>rd</sup> June, 2016, wherein Ramesh figured as accused no. 6, under Sections 120(B), 409,

6 Special C.C. No. 252/2016, 253/2016 & 273/2016

7 BBMP

8 The Commissioner, BBMP, N R Square, Bangalore

9 IPC

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465, 468, 477 of the IPC r/w Section 13(1)(c) &(d) and 13(2) of the Prevention of Corruption Act, 1988<sup>10</sup>.

- g. As per the chargesheet, Ramesh while serving as the Chief Engineer of BBMP at the relevant time was alleged to have colluded with the co-accused (other officer of BBMP and the contractor) in abusing his official position for adopting NH SR rates instead of the prescribed PWD SR rates for black-topping items. This resulted in the misuse of an additional sum in excess of Rs.22 lakh 40 thousand, thereby causing loss to the public exchequer.
- h. Praying for quashing of the proceedings in Special C.C. Nos. 252, 273 and 253 of 2016, Ramesh presented the three Writ Petitions before the High Court on which the impugned order was passed.
5. Before the High Court, Ramesh advanced three-fold submissions: (i) for offences allegedly having taken place in 2009-2010, the chargesheet was filed on 3<sup>rd</sup> June, 2016, more than seven years after the alleged incident. He argued that this delay renders the proceedings barred under Rule 214(3) of the Karnataka Civil Services Rules, 1958<sup>11</sup>, which prescribes a limitation period of four years for initiation of judicial proceedings, calculated from the date on which the alleged misconduct or offence took place; (ii) as per rule 214(6)(b) of the KCS Rules, 1958, “judicial proceeding”, in respect of a criminal proceeding, shall be deemed to have commenced on the date the Magistrate takes cognisance on the chargesheet and the date of filing of the FIR is irrelevant; and (iii) no sanction under section 197, Cr. PC was obtained for prosecution of Ramesh for offences allegedly committed by him in discharge of his official duties.
6. Rebutting the aforesaid arguments, the State submitted: (i) the proceedings were initiated within two years from the date of alleged incident as the FIR was registered in 2011; and (ii) since the chargesheet was filed after retirement of Ramesh, there was no need to obtain sanction under Section 197, Cr. PC.
7. Accepting the arguments advanced by Ramesh, the High Court quashed the proceedings. It was *inter alia* held that:

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10 PC Act

11 KCS Rules, 1958

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“8. Rule 214(3) and Sub-Rule-(6)(b) of the Rules, specifies that no judicial proceedings, if not instituted while the Government servant was in service, whether before his retirement or during his re-employment shall be instituted in respect of a cause of action which arose or in respect of an event which took place, more than four years before such institution.

9. In the present case, the alleged offence of misappropriation has taken place during the year 2009- 2010. Though FIR was lodged in the year 2011 against the unknown persons, the charge sheet was submitted on 03.06.2016, after expiry of four years from the date of cause of action arose. Hence, the cognizance taken by the learned Sessions Judge is contrary to the Rule 214(3) and Sub-Rule-6 of the Rules and same is held to be one without authority of law.

10. The charge sheet has been filed for the offences punishable under provisions of the Prevention of Corruption Act and also offences under IPC though there is no requirement of obtaining prior sanction for prosecuting petitioner-accused No.6 for the offences punishable under the provisions of the Prevention of Corruption Act, since he had retired from service as on the date of charge sheet was filed. Section 197(1) specifies that no Court shall take cognizance for the offences punishable under the provisions of IPC against any person who is or was Judge as Magistrate or public servant not removable from his office without the previous sanction. Hence, the police before submitting the charge sheet for the offences punishable under IPC were required to obtain sanction as specified under Section 197(1) of Cr.P.C. and in the absence of grant of sanction as specified under Section 197(1) of Cr.P.C, the cognizance taken by the learned Sessions Judge insofar as it relates to the offences punishable under the provisions of IPC is held to be one without authority of law.

11. In view of the preceding analysis, I am of the view that continuation of criminal proceedings against the petitioner- accused No.6 will be an abuse of process of law and accordingly, I pass the following:

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- i. Writ petitions are allowed.
  - ii. The impugned proceedings in Spl.C.C. No.252/2016, Spl.C.C. No.273/2016 and Spl.C.C. No.253/2016 in WP Nos.61305/2016, 61306/2016 and 61307/2016 respectively pending on the file of 77<sup>th</sup> Addl. City Civil Judge and Sessions Judge, Bengaluru insofar as it relates to accused No.6 is hereby quashed.”
8. Mr. Devdatt Kamat, learned senior counsel appearing for the appellant, prayed for setting aside of the impugned judgment on the following grounds:
- a. The plea regarding requirement of sanction under Section 197, Cr. PC is ordinarily to be raised before the Trial Court at the stage of taking cognisance;
  - b. Rule 214(3) of KCS Rules, 1958 does not bar criminal proceedings against retired public servants. In support of this contention, reference was made to two decisions of the High Court.
  - i. First, in ***Mohamed Haneef v. Thirthahalli Police***<sup>12</sup>, the High Court, while interpreting proviso (c) of Rule 214 of the Karnataka Civil Services (Second Amendment) Rules, 1985 [which is *pari materia* with Rule 214(3) of the KCS Rules, 1958] held that:

“13. A close examination of the provisions contained in Rules 213 and 214 would reveal that Rule 213 is based upon the concept that future good conduct shall be an implied condition of every grant of pension and appropriate action could be taken against the pensioner respecting the payment of pension, if the pensioner is convicted of a serious crime or is found guilty of grave misconduct during the period, the pensioner receives pension without any period of limitation for being convicted of a serious crime or found guilty of grave misconduct;

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whereas Rule 214 can be invoked and action be taken against a pensioner 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, subject to the conditions and limitations stipulated therein for instituting departmental or judicial proceedings. In other words, action could be taken under Rule 213 respecting the future acts and conduct of a pensioner resulting in the conviction of a serious crime or guilty of grave misconduct after his retirement; whereas Rule 214 applies in respect of the acts and conduct of the pensioner while he was in service resulting in a finding either in departmental or judicial proceeding that he is guilty of grave misconduct or negligence. That is why no period of limitation is prescribed in respect of the acts and conduct of a pensioner resulting in a conviction of a serious crime or finding of guilty of grave misconduct as they relate to future acts and conduct after the pensioner retired from service and period of limitation has been prescribed respecting departmental as well as judicial proceedings under Rule 214 because it applies to past acts and conduct of the pensioner while he was in service. Both clause (b) as well as clause (c) of the proviso to Rule 214 prescribe a period of four years for instituting a departmental or judicial proceeding in respect of any event in the case of former or any event or cause of action from the date of its taking place or arising in the case of latter if no such departmental or judicial proceeding was instituted while the officer was in service whether before his retirement or during his re-employment. This period of limitation does not apply to a case where departmental or judicial proceeding had been initiated in respect of an employee while he was in service. It is abundantly clear that clause (c) of the proviso to Rule 214 governs only the judicial proceedings referred to in Rule 214. This is clear from the terms 'such judicial proceeding' thereby

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meaning judicial proceeding referred to in Rule 214 and not other judicial proceedings including criminal proceedings before any Criminal Court dealing with general criminal law. The prohibition against the institution of a judicial proceedings in respect of a cause of action which arose or an event which took place more than 4 years before such institution as contained in clause (c) or against the institution of a departmental enquiry in respect of any event which took place more than 4 years before such institution as stipulated under clause (b) of the proviso is only for the purpose of exercising the powers under Rule 214 and not for any other purpose. The period of limitation provided in clauses (b) and (c) of the proviso appears to be intended to prevent harassment, by instituting either departmental or judicial proceedings in respect of a stale or remote event or cause of action which arose more than 4 years before such institution after the officer has retired. It seems to me that the prohibitory words in clause (c) relied upon by Sri Desai cannot be construed as a bar against criminal prosecutions in general.”

(emphasis laid by the appellant)

Pithily, the High Court held that this limitation under Rule 214 applies only to proceedings under Rule 214 and not to general criminal prosecutions, which can proceed under regular criminal law without being affected by this rule.

- ii. Secondly, in **A.K. Chowdekar v State of Karnataka**<sup>13</sup>, the High Court, while dealing with Rule 214(3) of the KCS Rules, 1958, observed that:

“9. The words ‘judicial proceedings’ appearing in sub-rule (3) of Rule 214 of (sic) is not defined. The intention of the State is that no judicial proceedings can be initiated against a Government servant while in service or after retirement or during his re-employment

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in respect of a cause of action which arose or in respect of any event which took place more than four years from such institution, is in relation to ‘civil proceedings’ and not ‘criminal proceedings’. Thus, we hold that sub-rule (3) of Rule 214 of KCSR does not bar initiating criminal action against a Government servant who is alleged to have committed an offence under the Penal Code, 1860.

**10.** It is pertinent to mention that it cannot be the intention of the State to absolve a Government servant who has committed an offence under the Penal Code, 1860. ...”

(emphasis laid by the appellant)

- c. Rules enacted under Article 309 of the Constitution cannot bar criminal prosecution. In support of the same, reliance was placed on ***State of Punjab v. Kailash Nath***<sup>14</sup>:

**“7.** In the normal course what falls within the purview of the term ‘conditions of service’ may be classified as salary or wages including subsistence allowance during suspension, the periodical increments, pay scale, leave, provident fund, gratuity, confirmation, promotion, seniority, tenure or termination of service, compulsory or premature retirement, superannuation, pension, changing the age of superannuation, deputation and disciplinary proceedings. Whether or not a Government servant should be prosecuted for an offence committed by him obviously cannot be treated to be something pertaining to conditions of service. Making a provision that a Government servant, even if he is guilty of grave misconduct or negligence which constitutes an offence punishable either under the Penal Code or Prevention of Corruption Act or an analogous law should be granted immunity from such prosecution after the lapse of a particular period so as to provide incentive

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for efficient work would not only be against public policy but would also be counter-productive. It is likely to be an incentive not for efficient work but for committing offences including embezzlement and misappropriation by some of them at the fag end of their tenure of service and making an effort that the offence is not detected within the period prescribed for launching prosecution or manipulating delay in the matter of launching prosecution. Further, instances are not wanting where a Government servant may escape prosecution at the initial stage for want of evidence but during the course of prosecution of some other person evidence may be led or material may be produced which establishes complicity and guilt of such Government servant. By that time period prescribed, if any, for launching prosecution may have expired and in that event on account of such period having expired the Government servant concerned would succeed in avoiding prosecution even though there may be sufficient evidence of an offence having been committed by him. Such a situation, in our opinion, cannot be created by framing a rule under Article 309 of the Constitution laying down an embargo on prosecution as a condition of service."

(emphasis laid by the appellant)

- d. Relying upon the decision of this Court in ***Kailash Nath*** (supra), the High Court in the case of ***State of Karnataka v. P. Giridhar Kudva***<sup>15</sup> held as follows:

**"10.** In that view of the matter, issuance of charge sheet for conducting disciplinary proceedings, though belated, it is proper and should not be interfered with. We are also of the opinion that when the said officer accepted that he has deliberately given false date of birth in his reply dated 17.2.2006, much earlier to his

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retirement on the basis of false date of birth issued by him, it is a fit case where criminal prosecution is required to be initiated. In fact, though Rule 214(3) and (6) of the Karnataka Civil Services Rules, initially was an obstacle for initiating proceedings against a retired officer, the Apex Court in the matter of State of Punjab v. Kailash Nath, (1989) 1 SCC 321 : AIR 1989 SC 558 has read down the similar Rule which was in Punjab Civil Services and has held that the same would not come in the way of holding criminal prosecution. Therefore, in the present case also, while considering the writ petition filed by the petitioner-State, we set aside not only the order passed by the Tribunal, but also reserve liberty to the petitioner-State herein to initiate criminal prosecution against respondent-delinquent officer for gross abuse of process of law, as well as for making deliberate false declaration of his date of birth to secure illegal benefit to continue in service for seven years beyond the date on which he was required to superannuate and consequently causing financial loss to the State.”

(emphasis laid by the appellant)

9. Mr. Gopal Sankaranarayanan, learned senior counsel appearing for Ramesh, asserted that the impugned order is well reasoned and does not require any interference. *Pro argumento*, he submitted:
  - a. The High Court rightly held that the police report (chargesheet) was filed after the limitation period of four years as provided under Rule 214(3) read with sub-Rule (6)(b) of Rule 214 of the KCS Rules, 1958.
  - b. Judicial proceedings cannot be deemed to have commenced from the date of the FIR. As per sub-rule (6)(b) of Rule 214 of the KCS Rules, 1958, the date of institution of judicial proceedings is considered to be the date on which the Magistrate takes cognisance of the police report (chargesheet) or the complaint. In the present case, the chargesheet was filed only in 2016, seven years after the alleged offence and hence, cognisance taken by the trial court was barred by limitation.

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- c. The requirement of prior sanction under Section 197(1), Cr. PC applies to both serving and retired civil servants.
- 10. The short issue arising for determination is, whether the High Court was justified in quashing the criminal proceedings, as prayed by Ramesh, on the grounds of (i) the chargesheet having been filed more than four years after the date of the alleged incident and (ii) lack of sanction.
- 11. It is considered appropriate to examine the challenge laid by the appellant by reading Rule 214 first in its entirety. For ease of understanding, Rule 214 is extracted below:

**RULE 214**

**“214(1)(a)** Withholding or withdrawing pension for misconduct or negligence.-

The Government reserve to themselves the right of either withholding or withdrawing a pension or part thereof, whether permanently or for a specified period, if in any departmental or judicial proceedings, the pensioner is found guilty of grave misconduct or negligence during the period of his service including the service under a foreign employer and the service rendered upon re-employment after retirement.

**(b)** Recovery of pecuniary loss from pension:

The Government reserve to themselves the right of ordering recovery from a pension, the whole or part of any pecuniary loss caused to the Government or to a foreign employer under whom the Government servant has worked on deputation or otherwise. If in any departmental or judicial proceedings, the pensioner is found guilty of grave negligence during the period of his service, including the service rendered upon re-employment after retirement:

Provided that the 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 pension shall not be reduced below the amount of minimum pension prescribed under the rules.

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**(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 other than Government, that authority shall submit a report recording its findings to the Government.

**(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 Government.

(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 Government 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.

**(3)** No judicial proceedings, if not instituted while the Government servant was in service, whether before his retirement or during his re-employment, shall be instituted in respect of a cause of action which arose or in respect of an event which took place, more than four years before such institution.

**(4)** In the case of a Government servant who has retired on attaining the age of superannuation or otherwise and against whom any departmental or judicial proceedings are instituted or where departmental proceedings are continued under sub-rule (2), a provisional pension as provided in Rule 214A shall be sanctioned.

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**(5)** Where the Government decided not to withhold or withdraw pension but orders recovery of pecuniary loss from pension, the recovery shall not ordinarily be made at a rate exceeding one third of the pension admissible on the date of retirement of a Government servant.

**(6)** For the purpose of this rule,-

(a) departmental proceedings shall be deemed to be instituted on the date on which the statement of charges is issued to the Government servant or pensioner, or if the Government servant has been placed under suspension from an earlier date, on such date: and

(b) judicial proceedings shall be deemed to be instituted-

(i) in the case of criminal proceedings, on the date on which the complaint or report of a police officer, of which the Magistrate takes cognisance is made; and

(ii) in the case of civil proceedings, on the date the plaint is presented in the court."

12. Rule 214 is part of Chapter XV (titled GENERAL RULES) under Part IV (titled ORDINARY PENSION) of the KCS Rules, 1958. On a plain reading, Rule 214 is relatable to withholding and withdrawal of pension. Rule 214(1)(a) is a provision that empowers the Government to either withhold or withdraw a pension, or any part thereof, whether permanently or for a specified period, in a case where the pensioner is found guilty of grave misconduct or negligence in any departmental or judicial proceedings. This provision can be invoked for misconduct or negligence committed during the period of the pensioner's service, including any service rendered during re-employment after retirement.
13. Rule 214(3) provides for a bar on initiation of a "judicial proceeding" against a public servant after four years of the cause of action having arisen or event having taken place. The date on which the judicial proceeding is deemed to have been instituted is provided under Rule 214(6)(b).
14. Does Rule 214 have any application to stifle criminal proceedings for offences punishable under the IPC or the PC Act or any analogous law?

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15. It is an acknowledged art of interpretation of statutes to harmonise the textual meaning of a particular provision with its contextual significance; and, to gain a deeper insight, the interpreter may uncover the underlying policy for the same to be codified.
16. In our considered opinion, the text of Rule 214 read in the context in which it is invocable and its underlying policy make it clear as daylight that the relevance of the same would arise only when the Government, in its discretion, elects to invoke it for a proposed withholding or withdrawal of pension, due to a pensioner, for misconduct or for the purpose of recovery of any loss that it has sustained by reason of his delinquency, subject of course to the pre-conditions for such invocation being satisfied. Rule 214, by any rule of construction, has no application to nip pending criminal proceedings in the bud or for stifling such proceedings after cognisance of offence has been taken for no better reason than that the timelines embodied therein have not been adhered to.
17. The reason is simple. Though Rule 214 operates in a distinct domain, separate from investigation and prosecution following registration of an FIR and submission of a police report (chargesheet) and taking of cognisance of offence under Chapters XII and XIV of the Cr. PC, respectively, there is no conflict between the two. The policy behind Rule 214 is that a pensioner's entitlement to pension is contingent upon a clean record, both during and after service. This rule seeks to ensure that a pensioner does not go scot-free despite having indulged in misconduct or criminal activity while in service or even after quitting service (as future good conduct is a condition for continuous entitlement to pension). The need for a clean record is, thus, essential. Needless to observe, the scope of Rule 214 extends beyond corruption-related crimes, enabling withholding or withdrawal of pension for any offence punishable under the law. The timelines in Rule 214, as embodied, would bear significance to ensure that no pensioner is unnecessarily harassed or made to wait indefinitely for release of the whole of his pension and other retiral benefits owing to institution/pendency of disciplinary/judicial proceedings in relation to events of the distant past. In a particular case, the Government could find itself disabled to withhold or withdraw pension owing to the timelines creating a bar, but that *per se* cannot be seen as reason enough for stifling an otherwise valid investigative process including submission of police report in terms of the provisions of the

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Cr. PC., or for taking cognisance of the offence, once such report is submitted. Mr. Kamat has rightly argued that Rule 214 cannot be read in a manner so as to have the effect of whittling down the powers conferred on the investigative agencies by Part XII of the Cr. PC or the relevant magistrate under Chapter XIV thereof. Even without an order/action for withholding or withdrawing pension, an investigation of a cognisable offence punishable under the IPC or the PC Act or any analogous law is not barred either under Rule 214 or by any other statutory intendment.

18. For the purpose of deciding the present appeals, we are not concerned as to whether the timelines that Rule 214 embody operate as a bar or not for withholding or withdrawing pension that Ramesh is entitled to as per the relevant rules, or whether there has been any valid order/action in that regard. Here, the High Court has quashed the proceedings against Ramesh by referring to Rule 214 which, indubitably, had no application. The first ground on which the proceedings have been quashed is, thus, manifestly unsustainable.
19. Next, we move on to examine whether the High Court was justified in quashing the proceedings against Ramesh on the ground that sanction under Section 197, Cr. PC had not been obtained.
20. The acts of commission of offence in the discharge of official duties by a public servant, punishable under the IPC and the PC Act, have obviously to be dealt with firmly. But Section 197, Cr. PC contemplates protection to responsible public servants against institution of possible vexatious criminal proceedings alleged to have been committed by them while acting or purporting to act as public servants. Protection under Section 197, Cr. PC extends both to serving as well as retired public servants. Prior to taking cognisance of offences punishable under the IPC, sanction ought to have been obtained. No sanction has, admittedly, been obtained and hence we hold that quashing of the proceedings *qua* IPC offences was just and proper.
21. However, the High Court fell in error in quashing the proceedings *qua* the offences under the PC Act as it did not appreciate that Section 19 thereof, prior to its amendment with effect from 26<sup>th</sup> July, 2018, applied only to public servants who were in office at the time of taking of cognisance of offence.

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22. At paragraphs 33 and 34 of the decision in **A. Srinivasulu v. State of T.N.**<sup>16</sup>, this Court explained that before the PC Act was amended by Act 16 of 2018, prior sanction under Section 19(1)(a) was required only for public servants who were in service at the time of taking cognisance and not for those who had retired. However, after the 2018 amendment, prior sanction became necessary even for those who were in service at the time the offence was committed, regardless of whether they had retired by the time cognisance was taken. The Court thereafter noted that Accused No. 1 (therein) had retired in 1997, the chargesheet was filed in 2002, and cognisance was taken in 2003. Since the accused was not in service at the time cognisance was taken, no prior sanction under Section 19 of the PC Act was needed for his prosecution.
23. Therefore, since Ramesh had retired on 31<sup>st</sup> May 2012 and cognisance of the offence was taken only on 3<sup>rd</sup> June 2016, he was not entitled to the protection under Section 19 of the PC Act. Such protection would have been available to him only if cognisance were taken while he was still in service.
24. For the reasons aforesaid, the issue formulated in paragraph 10 is answered by holding that the High Court erred in quashing the proceedings on the first ground, completely, and on the second ground, partly.
25. The appeals, therefore, succeed in part. The impugned order, quashing the proceedings for the offence(s) punishable under Section 13(1)(c) &(d) read with Section 13(2) of the PC Act, stands set aside. The proceedings against Ramesh are restored and may continue for such offence(s).
26. In view of the provisions of Section 531 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the Cr. PC stands repealed; yet, pending proceedings are expressly permitted to be continued under the repealed law. We, therefore, observe that Ramesh may be prosecuted for offences punishable under the IPC, if so advised, but only after obtaining sanction therefor according to the repealed law for which liberty is reserved.

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27. The appeals stand disposed of on the aforesaid terms.
28. Connected applications, if pending, stand closed.
29. Before parting, we place on record that although the present appellate proceedings stemmed from writ petitions concerning predominantly penal laws and quashing of criminal proceedings, the special leave petitions were registered as civil petitions. If there has been a mistake, to correct the records, Registry may renumber the special leave petitions as criminal petitions and based thereon assign appropriate numbers to the appeals treating the same to be appeals arising on the criminal side.

*Result of the case:* Appeals partly allowed.

<sup>†</sup>*Headnotes prepared by:* Nidhi Jain