

NIRMALA
RAO



CGHC010096982018



2026:CGHC:32622

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 2929 of 2018

1 - Dr. Balwant Singh Thakur S/o Shri Chinta Singh Thakur, Aged About 48 Years Presently Working As Professor (Maths) School Of Studies In Mathematics, Pt. Ravishankar Shukla University Raipur Chhattisgarh., District : Raipur, Chhattisgarh

--- **Petitioner(s)**

versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Higher Education, Mahanadi Bhavan, Naya Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

2 - Additional Secretary Department Of Technical Education, New Mantralaya Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

3 - Pt. Ravishankar Shukla University Raipur Through The Registrar, Amanaka, Raipur Chhattisgarh., District : Raipur, Chhattisgarh

4 - Union Of India, Through The Secretary, Ministry Of Human Resource Development, Department Of Higher Education, New Delhi 110002, District : New Delhi, Delhi

5 - University Grants Commission Through Its Secretary, Bahadur Shah Zafar Marg, New Delhi 110002, District : New Delhi, Delhi

--- **Respondent(s)**

WPS No. 3174 of 2018

1 - Dr. Preeti K. Suresh W/o W/o C. A. Kumaran Suresh, Aged About 45 Years Presently Working As Professor (Pharmacy), R/o Hig- 106, Kanchan Ashwa Parisar, D. D. Nagar, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---Petitioner(s)

Versus

1 - State Of Chhattisgarh Through Its Secretary, Bahadur Shah Zafar Marg, New Delhi, 110002, District : Raipur, Chhattisgarh

2 - Additional Secretary, Department Of Technical Education, New Mantralaya Mahanadi Bhavan Naya Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

3 - Pt. Ravishankar Shukla University, Raipur, Through The Registrar, Amanaka, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

4 - Union Of India, Through The Secretary, Ministry Of Human Resource, Development Department Of Higher Education, New Delhi, 110002, District : New Delhi, Delhi

5 - University Grants Commission, Through Its Secretary, Bahadur Shah Zafar Marg, New Delhi, 110002, District : New Delhi, Delhi

--- Respondent(s)

WPS No. 3156 of 2018

1 - Dr. Sanjay Kumar S/o Harendra Kumar, Aged About 51 Years Presently Working As Professor (Computer Science) R/o House No. 407, Sundar Nagar, Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---Petitioner(s)

Versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Higher Education, Mahanadi Bhavan, Naya Raipur, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

2 - Additional Secretary Department Of Technical Education, New Mantralaya Mahanadi Bhavan, Naya Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

3 - Pt. Ravishankar Shukla University Raipur Through The Registrar, Amanaka, Raipur Chhattisgarh., District : Raipur, Chhattisgarh

4 - Union Of India Through The Secretary, Ministry Of Human Resource Development, Department Of Higher Education, New Delhi. 110002, District : New Delhi, Delhi

5 - University Grants Commission Through Its Secretary, Bahadur Shah Zafar New Delhi 110002, District : New Delhi, Delhi

--- Respondent(s)

WPS No. 3176 of 2018

1 - Dr. Dinesh Nandini Parihar D/o D/o Bhaskar Singh Parihar Aged About 60 Years Presently Working As Professor (Ancient Indian History, Culture And Archeology), R/o 43/5, Vimala Vihar, Kanchanganga II, Dd Nagar, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---Petitioner(s)

Versus

1 - State Of Chhattisgarh Through Its Secretary, Bahadur Shah Zafar Marg, New Delhi, 110002., District : Raipur, Chhattisgarh

2 - Additional Secretary, Department Of Technical Education, New Mantralaya Mahanadi Bhavan, Naya Raipur, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

3 - Pt. Ravishankar Shukla University Raipur, Through The Registrar, Amanaka, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

4 - Union Of India, Through The Secretary, Ministry Of Human Resource Development, Department, Of Higher Education, New Delhi, 110002., District : New Delhi, Delhi

5 - University Grants Commission, Through Its Secretary, Bahadur Shah Zafar Marg, New Delhi, 110002., District : New Delhi, Delhi

--- Respondent(s)

For Petitioners	:	Shri Varun Sharma, Advocate alongwith Shri Vaibhav P. Shukla, Advocate and Ms. Dev Navya Gopan, Advocate holding the brief of Shri B. Gopa Kumar, Advocate.
For Respondent/ University	:	Shri Neeraj Choubey, Advocate.
For Respondent/ UOI	:	Ms. Anmol Sharma, CGC
For Respondent/ State	:	Shri Ajay Kumrani, P.L.
For Respondent/ UGC	:	Shri Ankit Bhoi, Advocate holding the brief of Shri J.N. Nande, Advocate in WPS Nos. 2929 of 2018, 3156 of 2018 & 3174 of 2018 and Shri B.S. Rajput, Advocate holding the brief of Shri R.K. Gupta, Advocate in WPS No.3176 of 2018.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

29.07.2026

1. In these petitions, the petitioners have challenged the orders of recovery issued by the University dated 20.2.2015 and circular issued by the State Government dated 7.3.2011.
2. The facts, in a nutshell, are that the petitioners were appointed to the post of Reader under the University on different dates and initially, they were granted the pay-scale of Rs.12000-420-18300/-. The names of the petitioners and their respective dates of appointment are set out in the chart below:

Name of the Petitioner	Post	Date of Appointment
Dr. Balwant Singh Thakur	Reader in Mathematics (Unreserved Category)	15.9.2008
Dr. Sanjay Kumar	Reader in Computer Science (Unreserved	14.10.2009

	Category)	
Dr. Preeti K. Suresh	Reader in Pharmacy (Unreserved Category)	13.10.2008
Dr. Dinesh Nandini Parihar	Reader in Ancient Indian History, Culture and Archaeology (Unreserved Category)	14.10.2009

3. The pay-scales of the University employees were revised pursuant to recommendation of the 6th Pay Commission vide order dated 31.12.2008 with effect from 1.1.2006. The said order was adopted by the State Government on 30.3.2010 and the pay-scale of Readers was fixed at Rs.37,400-67000 with grade-pay of Rs.9,000/-. This practice continued for a period of two years. Subsequently, the University Grants Commission vide communication dated 26.8.2010 clarified that the entry pay of Readers, appointed on or after 1.1.2006 till the issuance of the University Grants Commission Regulations, 2010 i.e. 30.6.2010, should be fixed at Rs.23,890/- in Pay Band-3 with an Academic Grade Pay of Rs.8,000/-. Such Readers/ Lecturers after completion of three years of service, would move to the minimum Pay-Band-4 with an Academic Grade Pay of Rs.9,000/-. Pursuant to letter dated 26.8.2010, the State of Chhattisgarh issued a circular on 7.3.2011 and revised the pay-scale of Readers to Rs.23,890/- with grade-pay of Rs.8,000/-. The University revised the pay-scale of the petitioners accordingly vide order dated 29.2.2012 and thereafter, orders of recovery were issued against the petitioners on 20.2.2015. It is an admitted fact that the recovery amount has already been adjusted.

4. Learned counsel appearing for the petitioners would argue that the State Government, vide letter dated 7.3.2011, misinterpreted the communication dated 26.8.2010 issued by the University Grants Commission. They would further contend that there was no misrepresentation on the part of the petitioners and the pay-scale was revised by the University itself. It is also argued that the decision to recover the excess payment was taken by the University after expiry of five years, making it extremely difficult for the petitioners to refund the excess payment. It is also argued by Shri Varun Sharma that no opportunity of hearing was provided and no show-cause notice was issued before issuance of recovery orders. He would pray to allow these petitions.
5. On the other hand, learned counsel for the respondents would oppose the submissions made by counsel for the petitioners. Shri Neeraj Choubey, learned counsel appearing for the University would contend that the pay-scale of the petitioners/ Readers was revised pursuant to a decision taken by the University Grants Commission. He would submit that, due to a mistake, the petitioners were being paid in the pay-scale of Rs.15600-39100 with grade-pay of Rs.8000/- whereas, University Grants Commission vide letter dated 26.8.2010 clarified that the Readers appointed on or after 1.1.2006 would be entitled to the entry pay of Rs.23890/- with grade-pay of Rs.8000/-. He would contend that the State Government also clarified this aspect and thereafter, an appropriate decision was taken. He would contend that undertakings were given by the petitioners at the time of provisional fixation of their pay and such undertakings are binding upon them. He would further submit that a higher pay-scale was inadvertently granted

to the petitioners and subsequently, said mistake has been rectified by the University, therefore, these petitions deserve to be dismissed. Learned counsel appearing for the other respondents would endorse the submissions made by counsel appearing for the University.

6. I have heard learned counsel for the parties and perused the documents present on record.
7. Admittedly, the petitioners were appointed on the post of Reader in the year 2008-09. Initially, they were granted the pay-scale of Rs.12000-420-18300/-. Pay-scale of the petitioners was revised pursuant to recommendation of 6th Pay Commission, and their pay-scale was fixed at Rs.37,400-67000 with grade-pay of Rs.9,000/-. An order in this regard was issued by the Central Government on 31.12.2008, which was made effective from 1.1.2006. Subsequently, the University Grants Commission on the basis of letter dated 26.8.2010, clarified that the Readers appointed on or after 1.1.2006 would be entitled to pay-scale of Rs.23,890/- with grade-pay of Rs.8000/-. The University thereafter took a decision to revise the pay-scale of Readers and accordingly, order dated 29.2.2012 was issued, whereby the pay-scale of the petitioners was revised. The University further took a decision to recover the excess payment made to the petitioner on account of wrong fixation of pay-scale vide order dated 20.2.2015.
8. With regard to the undertakings allegedly furnished by the petitioners, the Rules governing revision of pay do not contain any provision requiring the furnishing of such undertakings. In the absence of any statutory provision, undertaking if any, furnished by the petitioners would not be binding upon them, and on the basis of such

undertakings, the University cannot recover the amount of excess payment.

9. In the present case, no opportunity of hearing was afforded to the petitioners and no show-cause notice was issued before issuance of orders of recovery. It is also not in dispute that there was no misrepresentation or fraud on the part of the petitioners. The benefit of revised pay-scale was extended by the University itself in the year 2010 and the decision to withdraw the said benefit was taken in the year 2012, whereas the orders of recovery were issued in the year 2015, after a lapse of five years.
10. Having considered the facts discussed above, the decision taken by the University regarding revision of the pay-scale of Readers pursuant to the communication issued by the University Grants Commission vide letter dated 26.8.2010 appears to be just and proper.
11. As no opportunity of hearing was afforded to the petitioners and there was no misrepresentation on their part with regard to grant of revised pay-scale, the orders of recovery are not sustainable in the eyes of law and are accordingly quashed. The amount recovered from the petitioners shall be refunded forthwith alongwith interest @ 6% per annum from the date of recovery till its realization.

Sd/-

(Rakesh Mohan Pandey)

Judge