



CGHC010230262024

2026:CGHC:44642

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 3878 of 2024

Kumari Shivani Shyamkar D/o Late Yogesh Shyamkar, Aged About 28 Years
Assistant Grade-03, Posted At North Range Boretalab Rajnandgaon Forest
Division, Department Of Forest District Rajnandgaon (C.G.)

... Petitioner

versus

- 1 - State of Chhattisgarh Through- The Secretary, Department of Forest, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District Raipur (C.G.)
- 2 - State of Chhattisgarh, Through- The Secretary, Department of Finance and Programming, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District Raipur (C.G.)
- 3 - Principle Chief Conservator of Forest, Jail Road Department of Forest Atal Nagar, Naya Raipur, District Raipur (C.G.)
- 4 - Chief Conservator of Forest Durg Division Department of Forest District Durg (C.G.)
- 5 - Divisional Forest Officer Forest Division Rajnandgaon Department of Forest District Rajnandgaon (C.G.)
- 6 - Divisional Forest Officer Forest Disivion Khairagarh, Department of Forest, District Khairagarh-Chhuikhadan-Gandai (C.G.)
- 7 - Joint Director Pension and Account, Treasury Department, Durg Division District Durg (C.G.)

... Respondents

For Petitioner	:	Mr. F.S. Khare, Advocate
For State/Respondent	:	Mr. Shahil Singh, PL

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(Hon'ble Shri Justice Bibhu Datta Guru)

Order on Board

15/10/2026

1. The petitioner has preferred the present writ petition under Article 226 of the Constitution of India, calling in question the orders dated 22.02.2024 and 20.05.2024, whereby the respondents have directed recovery of the amount paid to the petitioner towards annual increments and rejected her representation seeking reconsideration of the said recovery.
2. Learned counsel for the petitioner submits that the petitioner was appointed on compassionate grounds vide order dated 20.05.2014 and joined the service on 23.05.2014. In compliance with the conditions of the compassionate appointment policy, she obtained the prescribed computer course diploma within one year of her appointment. The benefit of annual increment was subsequently extended to her with effect from 01.07.2016. However, by the impugned order dated 22.02.2024 (Annexure P/1), the respondents directed recovery of an amount of Rs.2,96,555/- from her salary on the ground that the benefit of annual increments had been erroneously extended. Her representation against the said action was rejected vide order dated 20.05.2024 (Annexure P/2). It is contended that the petitioner cannot be penalised for the failure of the respondents to conduct the requisite skill test during the relevant period. He would further submit that the grievance of the petitioner in the present petition is substantially covered by the decision of this Court dated 06.10.2026 passed in WPS No. 12525 of 2025, therefore, the petitioner may also be extended the same benefit.

3. *Per contra*, learned State counsel submits that, under the applicable policy governing compassionate appointments, passing the prescribed skill test and Hindi typing examination is a condition for entitlement to the relevant service benefits. It is further submitted that the requisite skill test and Hindi typing examination were not conducted by the authorities during the period from 2013 to 2023. On this basis, the State seeks to justify the action taken by the respondents.
4. Heard learned counsel for the parties and perused the material available on record.
5. The issue involved in the present petition is substantially covered by the decision of this Court dated 06.10.2026 passed in WPS No. 12525 of 2025 (*Jaiprakash Bhuneshwar and Others v. State of Chhattisgarh and Others*). In the said matter, this Court considered the effect of non-conduct of the prescribed Hindi Typing Skill Test by the authorities and held that employees cannot be deprived of the benefit of annual increments for the period during which the requisite examination was not conducted. This Court in the said matter has observed as under:

“7. Thus, the record indicates that for a considerable period the requisite Hindi Typing Skill Test was not conducted in the concerned district. In such circumstances, the petitioners cannot be said to have deliberately avoided or refused to appear in the examination. The inability of the petitioners to comply with the condition of passing the skill test during the relevant period cannot, therefore, be attributed solely to the petitioners when the examination itself was not being conducted by the respondent authorities.

8. The condition prescribed under the policy cannot be disputed.

The petitioners, therefore, are required to comply with the said condition. However, the benefit of annual increment for the intervening period i.e. from 2013 till 2024 cannot be denied merely on the ground that the petitioners could not pass an examination which was not conducted by the respondent authorities during the relevant period. In view of the aforesaid facts and circumstances, the petitioners are entitled to consideration of their claim for grant of annual increments for the period in question. However, for further entitlement to increments and for regularization, the petitioners shall be required to appear in and qualify the Hindi Typing Skill Test in accordance with the applicable policy.

9. In view of the aforesaid facts and circumstances, the respondents are directed to grant to the petitioners the annual increments which became due to them during the period from 2013 to 2023, subject to their respective dates of appointment and their entitlement under the applicable service rules/policy. The said benefit shall not be denied to the petitioners merely on the ground that they had not passed the Hindi Typing Skill Test during the aforesaid period, as the requisite examination was admittedly not conducted in District Rajnandgaon during the said period. It is, however, made clear that for their further entitlement to annual increments and for regularization, the petitioners shall be required to appear in and qualify the Hindi Typing Skill Test in accordance with the applicable policy.

10. The respondents shall accordingly re-fix the pay of the petitioners by granting the aforesaid increments for the period from 2013 to 2023 and release the consequential monetary benefits, in accordance with law, within a period of three months from the date of receipt of a copy of this order.”

6. The principle emerging from the aforesaid decision squarely applies to the facts of the present case. In the instant matter, the respondents

themselves have submitted that the prescribed skill test and Hindi typing examination were not conducted during the period from 2013 to 2023. Consequently, the petitioner cannot be held responsible for non-compliance with the examination requirement during the period in which the requisite examination was not conducted by the authorities.

7. It is also relevant that, unlike the case considered in WPS No. 12525 of 2025, where the dispute concerned the withholding of annual increments, the petitioner herein had already been extended the benefit of annual increments and the respondents subsequently directed recovery of the amount paid to her. This distinction, however, does not warrant a different conclusion. Once the inability to fulfil the examination requirement during the relevant period is attributable to the non-conduct of the examination by the authorities, the benefit already extended to the petitioner cannot be retrospectively withdrawn and recovered solely on that ground.
8. The requirement of passing the prescribed skill test and Hindi typing examination under the applicable policy cannot, of course, be dispensed with altogether. Nevertheless, the said requirement must be applied fairly and in a manner consistent with the principle laid down by this Court in the aforesaid decision. The petitioner has also asserted that she passed the computer/Hindi typing examination conducted by the department on 06.01.2024. In these circumstances, the respondents have failed to demonstrate any sustainable basis for recovering the annual increments already paid to her merely on account of the non-fulfilment of the examination requirement during the period in question.

9. In view of the foregoing discussion and following the decision rendered by this Court in WPS No. 12525 of 2025, this Court is of the considered opinion that the impugned orders cannot be sustained to the extent they direct recovery of the annual increments granted to the petitioner.
10. Accordingly, the impugned order dated 22.02.2024 (Annexure P/1), insofar as it directs recovery of Rs.2,96,555/- from the petitioner towards annual increments, as well as the consequential order dated 20.05.2024 (Annexure P/2) rejecting her representation, are hereby quashed. The respondents are directed to refund the amount, if any, already recovered from the petitioner pursuant to the impugned order within a period of three months from the date of receipt of a copy of this order. The entitlement to future increments and other consequential service benefits shall remain subject to the applicable service rules and policy, in accordance with the principles laid down in WPS No. 12525 of 2025.
11. The writ petition is accordingly allowed. There shall be no order as to costs.

SD/-
(Bibhu Datta Guru)
JUDGE

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