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HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 4230 of 2015**

Sarjun Ram S/o Ramsai Ram, Aged About 45 Years Working As Peon, Government Higher Secondary School, Tapkara, Police Station Tapkara, District Jashpur (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Scheduled Caste & Scheduled Tribe Development Department, Mahanadi Bhawan, New Raipur, P. S. Rakhi, District Raipur (Chhattisgarh)
2. The Commissioner, Department Of Scheduled Caste & Scheduled Tribe Development Chhattisgarh, Raipur (Chhattisgarh)
3. The Collector (Scheduled Tribe Welfare Branch), District Jashpur (Chhattisgarh)
4. The Principal, Government Higher Secondary School, Tapkara, Police Station Tapkara, District Jashpur (Chhattisgarh)

---- Respondents**WPS No. 4232 of 2015**

Upendra Ram Yadav, son of Nando Ram Yadav, aged about 40 years, working as Peon, Government Higher Secondary School, Tapkara, Police Station -Tapkara, District-Jashpur (C.G.)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Scheduled Caste & Scheduled Tribe Development Department, Mahanadi Bhawan, New Raipur, P. S. Rakhi, District Raipur (Chhattisgarh)
2. The Commissioner, Department Of Scheduled Caste & Scheduled Tribe Development Chhattisgarh, Raipur (Chhattisgarh)
3. The Collector (Scheduled Tribe Welfare Branch), District Jashpur (Chhattisgarh)
4. The Principal, Government Higher Secondary School, Tapkara, Police Station Tapkara, District Jashpur (Chhattisgarh)

---- Respondents

And

WPS No. 4234 of 2015

Upendra Kumar Yadav, son of Laxman Ram Yadav, aged about 46 years, working as Peon, Government Higher Secondary School, Tapkara, Police Station-Tapkara, District Jashpur (C.G.)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Scheduled Caste & Scheduled Tribe Development Department, Mahanadi Bhawan, New Raipur, P. S. Rakhi, District Raipur (Chhattisgarh)
2. The Commissioner, Department Of Scheduled Caste & Scheduled Tribe Development Chhattisgarh, Raipur (Chhattisgarh)
3. The Collector (Scheduled Tribe Welfare Branch), District Jashpur (Chhattisgarh)
4. The Principal, Government Higher Secondary School, Tapkara, Police Station Tapkara, District Jashpur (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Harish Khuntiya, Advocate.
For Respondents/State	:	Shri D.R. Minj, Dy. Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

19/11/2015

- (1) Heard.
- (2) W.P. (S) Nos.4230/2015, 4232/2015 & 4234/2015, involve common facts and common question of law and, as such, require consideration and disposal by the common order.
- (3) Learned counsel appearing for the parties would submit that issued with regard to recovery raised in this petition stands concluded by this Court in batch of writ petition including W.P. (S) No. 3440/2015 (Shobnath Chand Vs. State of Chhattisgarh & others) by order dated

26.10.2015, in which, this Court has quashed the recovery by holding as under:

“9. In the above-stated judgment, Their Lordships of the Supreme Court have held that recovery from the employees belonging to Class-III and Class-IV services is impermissible in law where the payment has been made mistakenly by the employer in excess of entitlement.

10. In the present case, it is the case of the petitioners and the respondents also that payment has been made mistakenly by the State to the petitioners and excess payment has been made on 4-10-2008 for a period in excess of five years before the order of recovery dated 16-9-2015 and as such, the order of recovery is impermissible as the petitioners being Class-IV employees and payment was made pursuant to the order dated 4-10-2008. Thus, the orders passed by the respondent authority dated 25-8-2015 in respect of petitioner Shobnath Chand; 16-9-2015 in respect of petitioners Ganesh Ram & Narayan Ram; 11-9-2015 in respect of petitioner Vidyadhan Singh; 10-9-2015 in respect of petitioners Saroj Kumar Karsh, Rupan Sai, Ram Kumar Ram, Shivnarayan Ram, Ramlal Ram, Adhin Sai & Sudeshan Ram; 14-9-2015 in respect of petitioners Gurunarayan Singh & Kum. Elizabeth Ekka; 11-9-2015 in respect of petitioners Juwel Lakda & Beefnath Ram; 11-8-2015 in respect of petitioners Devnarayan Ram, Sevnath Singh & Bal Singh; 7-9-2015 in respect of petitioner Khageshwar Ram; 17-9-2015 in respect of petitioner Padamlochan Ram; and 11-9-2015 in respect of petitioner Visheshwar Ram, are in teeth of the law laid down by the Supreme Court in the afore-cited case and afore-stated orders are hereby quashed being impermissible in law. The writ petitioners are allowed accordingly.”

(4) Accepting the submissions of learned counsel appearing for the parties, order of recovery against the present petitioners is quashed in terms of the order passed by this Court in Writ Petition (S) No. 3440/2015 Shobnath Chand (supra) by order dated 26.10.2015. The writ petitions are allowed accordingly.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-