

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No.7059 of 2011

Arjunlal Sharma, S/o Late Shri Ramadhar Sharma, aged about 65 years, R/o Village Badra, Tahsil Patharia, District Bilaspur, Chhattisgarh

---Petitioner

versus

1. State of Chhattisgarh through the Secretary, Panchayat and Rural Development Department, DKS Bhawan, Raipur, Chhattisgarh
2. The Accountant General (Accounts and Hakdari) Dvitiya, Office of Accountant General, Raipur, Chhattisgarh
3. The Deputy Director, Treasury, Account and Pension, Bilaspur Division, Bilaspur, Chhattisgarh
4. Additional Assistant Development Commissioner, Janpad Panchayat, Pali, District Korba, Chhattisgarh
5. Account Officer (Pension), Office of Divisional Joint Director, Treasury, Account and Pension, Bilaspur Division, Bilaspur, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Prateek Sharma, Advocate
For State/Respondents No.1, 3 & 5	:	Shri Raj Kumar Gupta, Deputy Advocate General

Hon'ble Shri Navin Sinha, Chief Justice

Order on Board

25/2/2016

1. Heard Learned Counsel for the Petitioner and the State.
2. The Petitioner superannuated on 30.4.2006 from the post of Development Extension Officer. After retirement when the master servant relationship stood severed, on 29.6.2006, without any notice or opportunity of hearing, recovery was ordered for Rs.71,609/- as wrongly paid to him being excess payment without specifying under which head and for what reason. The counter-affidavit also does not explain any reason for the recovery or under what head the excess payment was made. The counter-affidavit admits that recovery was ordered without first issuance of a show cause notice and opportunity to the Petitioner after superannuation.
3. In view of (2015) 4 SCC 334 [State of Punjab v. Rafiq Masih (White Washer)] no recovery is permissible from a retired employee. The order for recovery is therefore held to be unsustainable. It is set aside. Since it was

also admittedly made in violation of the principles of natural justice, which is an admitted position, the recovery made, if any, is directed to be refunded.

4. The writ application is disposed in the aforesaid terms.

Sd/-

(Navin Sinha)
CHIEF JUSTICE