

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

W. P. (S) No. 307 OF 2016

1. Balram S/o Dharam, aged about 56 years occupation service, posted as Safai Kamgar, Municipal Corporation, Bhilai- Charoda, District Durg (Chhattisgarh)
2. Tulsi S/o Shivdayal, aged about 50 years occupation- service, posted as Safai Kamgar, Municipal Corporation, Bhilai Charoda, District Durg (Chhattisgarh)
3. Binu Verma S/o Late Jagatpal Verma, aged about 52 years occupation- service, posted as Safai Daroga, Municipal Corporation, Bhilai Charoda, District Durg (Chhattisgarh)
4. Durga Shankar Chandrakar S/o Late Maganlal Chandrakar, aged about 60 years occupation- Service, posted as Dak Runner, Municipal Corporation, Bhilai Charoda, District Durg (Chhattisgarh)
5. Teksingh Verma S/o Late Dansingh Verma, aged about 52 Years occupation- service, posted as Pump Kuli, Municipal Corporation, Bhilai Charoda, District Durg (Chhattisgarh)
6. Ramadhar Verma S/o Late Pritram Verma, aged about 60 Years occupation- service, posted as Chowkidar (Pump Kuli), Municipal Corporation, Bhilai Charoda, District Durg (Chhattisgarh)
7. Ramsani Yadav S/o Late Jivrakhan Yadav, aged

about 59 Years Occupation- service, posted as Helper, Municipal Corporation, Bhilai Charoda, District Durg (Chhattisgarh)

8. A.K. Soni S/o Nandkishore Soni, aged about 55 years occupation- service, posted as Assistant Teacher, Government Janta Higher Secondary School, Bhilai- 3 (Run by Municipal Corporation), District Durg (Chhattisgarh)

9. Lekhram Dewangan S/o Late Mahavir Dewangan, aged about 51 years occupation- service, posted as Assistant Grade- II, Government Janta Higher Secondary School, Bhilai- 3, (Run by Municipal Corporation), District Durg (Chhattisgarh)

---- Petitioners

Versus

1. State of Chhattisgarh through : the Secretary Urban Administration and Development Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, Tahsil and District Raipur (Chhattisgarh)

2. Municipal Corporation, Bhilai- Charoda, (Earlier Municipal Council now Municipal Corporation), through : the Commissioner, Municipal Corporation, Bhilai- Charoda, District Durg (Chhattisgarh)

3. Mayor-in-Council, through : its Mayor, Municipal Corporation, Bhilai- Charoda, District Durg (Chhattisgarh)

---- Respondents

For Petitioners	: Mr. Sourabh Sharma, Advocate
For State/Respondent No.1	: Mr. Gary Mukhopadhyay, Dy. Govt. Advocate
For Respondents No. 2 & 3	: Mr. Akhilesh Kumar, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

29/01/2016

1. Learned counsel for the parties would submit that issue raised in the writ petition is covered by the decision rendered by Co-ordinate Bench of this Court in Writ Petition (S) No.182/2015 (*Satrughan Lal Sinha and others v. Municipal Council Bhilai*) decided on 06/07/2015, in which, it has been stated as under:-

“7. In the case at hand also, the petitioners are not working in any gazetted post. Recovery sought to be made against them is towards excess payment made to them from July, 2000 to July, 2008 i.e. more than 5 years back. Thus, the case of the petitioners squarely falls within the exception of extreme hardship carved out by the Supreme Court in para-12 of Rafiq Masih case.

8. For the foregoing, the writ petitions are allowed and the impugned recovery is set aside.”

2. Accepting the submission on behalf of the parties, this writ petition is disposed of in terms of order dated 06/07/2015 passed in Writ Petition (S) No.182/2015.

Sd/-

(Sanjay K. Agrawal)
JUDGE

Tiwari