

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WRIT PETITION (S) NO. 352 OF 2016

Vedprakash Kaushik S/o Sundarlal Kaushik, aged about 61 years, R/o Village Kartala, Tahsil Kartala, District Korba (C.G.)

... Petitioner

Versus

1. State of Chhattisgarh, through the Secretary, Department of Public Health Engineering, Mahanadi Bhavan, Mantralaya, New Raipur, District Raipur (C.G.)
2. Superintendent Engineer, Public Health Engineering Department, Bilaspur, District Bilaspur (C.G.)
3. Assistant Engineer, Public Health Engineering Department, Sub Division, Korba, District Korba (C.G.)
4. Joint Director, Treasury Account, Bilaspur, District Bilaspur (C.G.)
5. Executive Engineer, Public Health Engineering Department, Circle Korba, District Korba (C.G.)

... Respondents

For Petitioner	:	Mr. H.B. Agrawal, Senior Advocate, along with Mr. K.S. Pawar, Advocate.
For Respondent-State	:	Mr. Arun Sao, Government Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

21/03/2016

1. Challenge through the present writ petition is to the order dated 15.1.2016, Annexure P-3, whereby the Petitioner has been directed to pay an amount of Rs. 2,78,038/- in the treasury of the State Government towards the alleged excess payment which the Petitioner had received during his service period on account of certain wrong fixation granted by the authorities.
2. Learned Senior Counsel for the Petitioner submits that the Petitioner was a low paid employee who was working as a Pump Technician and retired on 31.1.2016 and that his case squarely falls within the ambit of the directives given by the Supreme Court in the case of State of Punjab & Others v. Rafiq Masih (White Washer) & Others (2015

(4) SCC 334) wherein it has been categorically mentioned that in case if the employee belongs to Class III and Class IV service group or in the case of a recovery order where the employee is to retire within a period of one year, recovery part would be impermissible in law.

3. Applying the said ratio laid down by the Supreme Court in the case of Rafiq Masih (supra), taking into consideration the status of the Petitioner and also the fact that the Petitioner has been retired from service on 31.1.2016, the writ petition has to be allowed.

4. Accordingly, the writ petition is allowed. The impugned order dated 15.1.2016 stands quashed. Retiral dues payable to the Petitioner, if not paid, should be released expeditiously.

Sd/-
(P. Sam Koshy)
Judge

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