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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 167 of 2016**

Seeta Ram Sahu son of Late Awadh Ram Sahu aged about 78 years R/o village and Post Baigandabari (Hatoud) Tahsil Kasdol District Raipur Chhattisgarh

---- Appellant**Versus**

1. State of Chhattisgarh through Secretary Department of Education Dau Kalyan Singh Bhawan Raipur Chhattisgarh
2. Accountant General Raipur Chhattisgarh
3. The Joint Director Accounts Treasury and Pension Raipur Chhattisgarh
4. District Treasury Account Raipur District Raipur Chhattisgarh
5. Principal Guru Ghasi Das Higher Secondary School Kasdole District Raipur Chhattisgarh

---- Respondents

For Appellant : Shri CJK Rao, Advocate.
 For Respondent/State : Shri Prafull N. Bharat, Additional Advocate General.
 For Respondent No.2 : Ms. Purnima Singh, Advocate

Hon'ble Shri Navin Sinha, Chief Justice
Hon'ble Shri P. Sam Koshy, J.
Judgment on Board

Per Navin Sinha, Chief Justice**20/04/2016**

1. The present appeal arises from order dated 3.11.2015 in Writ Petition (S) No.219 of 2010 allowing the writ petition restraining recovery of Rs.32,136/- from the Appellant by order dated 19.2.2008 as excess payment after superannuation on 31.7.1998.
2. Learned Counsel for the Appellant submits that in the writ petition relief had further been sought for a direction to refund the deductions made from the retiral benefits of the Appellant on 24.12.1998 and which has not been considered by the Learned Single Judge.

3. Learned Additional Advocate General submitted that from December, 1998 till February, 2008 when fresh deductions were proposed to be made, the Appellant had no grievance against the former. The claim is highly belated and stale.

4. We have considered the submissions and find no merit in the appeal. If the Appellant was of the opinion that any illegal deductions had been made in December, 1998 from his retiral benefits, he ought to have moved the Court immediately. If he waived that right, it cannot be turned into a cause of action by him merely because the Respondents may have given a fresh notice on 19.2.2008 for further recovery. If the Appellant were to file any money claim today, even that would be barred by limitation. He cannot resort to the writ remedy to overcome that bar.

5. The appeal is dismissed.

Sd/-

(Navin Sinha)
CHIEF JUSTICE

Sd/-

(P. Sam Koshy)
JUDGE