NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2241 of 2016

R. N. Mishra S/o Mahaveer Prasad Mishra, Aged About 73 Years R/o Khajanji Toli, Post Office Jashpur Nagar, Police Station Jashpur, District Jashpur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Chief Forest Conservator (Administraiton) Department, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh

2. Divisional Forest Officer, District Jahspur Chhattisgarh

3. Joint Director, Treasury, Accountant And Pension Department, Bilaspur District Bilaspur Chhattisgarh

---- Respondents

Ms. Pritha Ghoshal, Advocate for the petitioner/s.
Mr. Sangharsh Pandey, Dy. G.A. for the State on advance copy.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

21/06/2016

Heard.

This petition has been filed by the petitioner aggrieved by recovery of Rs.89,732/- made from the petitioner soon after his retirement.

2. On petitioner's own showing, the petitioner is retired in the year 2002 from the post of Deputy Ranger its Class-III Executive Post. A recovery was ordered vide letter dated 13.11.2003. The petitioner instead of challenging the order of recovery, deposited the entire amount of Rs.89,732/- on 21.01.2004.

3. It appears that, later on, the petitioner started making certain representation. However, thereafter, the petitioner slept over the matter for more than a decade and now after more than 12 years, this petition has been filed challenging the order

of recovery.

4. Irrespective of the merits of the case, the petition suffers from delay and laches. True, it is that the petitioner is a retired employee but it is not a case of continuing cause of action in the sense that any amount due and payable to the petitioner has remained unpaid till date. The action of recovery having not been assailed within the reasonable time, I am inclined to dismiss the petition only on the ground of delay and laches.

5. The petition is accordingly dismissed.

Sd/-

(**Manindra Mohan Shrivastava)**
J U D G E

Rekha