

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No. 1105 of 2018

- Uttam Prasad Gupta S/o Late Jamuna Sao, Aged About 63 Years R/o Adarsh Nagar, Sitapur, Block Sitapur District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Petitioner

Versus

- S. Jangde Block Education Officer, Batouli, District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Respondent

For Petitioner : Shri Harish Khuntiya, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

15/11/2018

This contempt petition has been filed by the petitioner alleging that though the spirit of the order passed by this Court in the light of judgment of the Supreme Court in the case of **State of Punjab v. Rafiq Masih, 2015 (4) SCC 334** requires the amount illegally recovered to be refunded, till date refund has not been made.

2. It appears that against the petitioner, order of recovery was issued and certain recoveries were made. In view of the order passed by this Court, the order of recovery was set aside and the petition was allowed. The legal consequence flowing from such an order would be that no recovery could be made from the petitioner and whatever amount was recovered, should be refunded to him. This was made clear also. The authority, therefore, was required to refund the amount recovered from the petitioner.

3. If the refund does not take place within a period of three months from today, the petitioner would be at liberty to revive this petition. The contempt petition is accordingly disposed off.

The petitioner may place this order before the competent authority for due compliance.

**Sd/-
(Manindra Mohan Shrivastava)
Judge**