

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No.582 of 2019

Laxmi Dodake W/o Late Ramesh Kumar Dodake Aged About 64
Years Retired Accountant, Office Of The Superintendent, Maharani
Hospital, Jagdalpur, District Bastar Chhattisgarh ---- **Petitioner**

Versus

K.L Azad, Joint Director- Cum- Superintendent, Late Baliram
Kashyap Medical College, Maharani Hospital, Jagdlapur, District
Bastar Chhattisgarh**Respondent**

For Petitioner : Mr. CJK Rao, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

02.09.2019

Heard.

1. The petitioner, retired Class-III employee, is aggrieved and alleges willful disobedience of the direction issued as despite order of this Court, her claim for refund is not being considered nor refund allowed.
2. Learned counsel for the petitioner would submit that in the order passed by this Court in respect of the present petitioner and large number of petitioners, it was held that as far as retired employees are concerned, their cases will have to be decided on the basis of the law laid down by the Supreme Court in the case of **State of Punjab V. Rafiq Masih, 2015(4) SCC 334**. According to the petitioner, the petitioner being Class-III employee, clause (i) of para 18 of the aforesaid judgment would be applicable and no recovery is permissible. He would further submit that the respondent-authority was required to examine the case of the petitioner and take appropriate decision. Though according to the petitioner, the petitioner is entitled to refund of the recovered amount, till date, neither any order has

been passed in the representation much less refund.

3. This Court has already decided the case of the petitioner. A direction was issued to the authority to examine the reply and take decision. The respondents, till date, has not taken any decision nor recovered amount has been refunded. The respondent should take decision in the matter within a period of 30 days, one way or the other, by a clear speaking order. In case, the petitioner is found entitled to refund an order of refund should be passed. Keeping in view that the petitioner is retired employee, aged around 65 years and her claim has not been decided, till date, it is observed that if decision is not taken by the respondent within a period of 30 days, this Court will be constrained to initiate contempt proceeding and impose appropriate punishment.

4. A copy of this order be placed before the respondent-authority for strict due compliance without fail.

Sd/-

(Manindra Mohan Shrivastava)
Judge