

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No. 748 of 2019

Smt. Madhuri Devi Rathore W/o Late Shri Ramkrishna Rathore Aged About 60 Years R/o Village And Post Sapia, Tahsil Malkharouda, Civil And Revenue District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Petitioner

Versus

1. Gourav Dwivedi The Secretary, Department Of School Education Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Rajesh Agrawal Chief Manager, Kharsiya Branch 02864, P. B. No. 1, Dabhra Road, Kharsiya, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- Respondents

For Petitioner : Shri Vinod Kumar Tekam, Advocate

S.B. : Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

18/10/2019

1. This contempt petition has been filed alleging willful disobedience of the order passed by this Court on 18.5.2018. According to learned counsel for the petitioner, despite order of this Court that under no circumstance, recovery could be made from Class-III or Class-IV employee, recovery is continuing and no decision is being taken on petitioner's representation.
2. After going through the contempt petition, I find that representation has been made to the Office of Accountant General, whereas, according to the order of this Court, the petitioner was required to submit individual response/objection to the proposed recovery before the Authority who issued notice.
3. The original records of the writ petition show that recovery notice was

issued by the Assistant General Manager of the State Bank of India. According to order of this Court, the petitioner was required to submit a response to this particular authority. It appears that the petitioner did not directly make any representation to the Assistant General Manager of the Bank but preferred representation to the office of Accountant General .

4. It appears that because of this fault on the part of the petitioner, the concerned authority who issued notice to the petitioner i.e. Assistant General Manager has not taken any decision in the case of the petitioner and the recovery is continuing.
5. By way of clarification, it has to be clearly stated that in para-11 of the common order passed by this Court on 18.5.2019 in batch of petitions including the case of the petitioner, it was made clear that under no circumstance, recovery could be made from a Class-III or Class-IV employee after retirement. Obviously, therefore, no recovery could be made either from the husband of the petitioner or from the petitioner who is widow of the deceased- employee.
6. The petitioner shall submit a copy of this order also before the concerned Authority i.e. . Assistant General Manager of the Bank. As the petitioner is a widow of retired Class-III employee, no recovery could be made. The entire amount which has been recovered should be refunded within 60 days from the date of receipt of copy of this order, failing which serious consequence shall flow.
7. The petition, at this stage, is disposed off with the aforesaid observations.

Sd/-
(Manindra Mohan Shrivastava)
Judge