

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 2104 of 2011

Shyam Lal Dadsena, aged about 41 years, S/o Lt. Kartik Ram, Upper Division Teacher, Lal Bahadur Shastri Higher Secondary School Bamnidih, Block Bamnidih, Distt. Janjgir Champa (CG).

---Petitioner(s)

Versus

1. State of Chhattisgarh through the Secretary, Education Department, DKS Bhawan, Raipur (CG).
2. The Director, Public Instructions, Chhattisgarh at Raipur (CG).
3. Joint Director, Rajya Vitt Sewa, Directorate Public Instructions, Raipur (CG).
4. Assistant Accounts Officer, Rajya Vitt Sewa, Directorate Public Instructions, Raipur (CG).
5. District Education Officer, Janjgir Champa (CG).
6. The Principal, Lal Bahadur Shashtri Higher Secondary School, Bamnidih, Distt. Janjgir Champa (CG).

---Respondents

For Petitioner	:	Shri HB Agrawal, Sr. Advocate along with Shri K.S. Pawar, Advocate.
For State	:	Shri Vivek Ranjan Tiwari, Addl. Advocate General.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

26.06.2020

1. The challenge in the present writ petition is to the endorsement made in the service Book of the petitioner dated 22.11.2010 whereby the respondents had made an endorsement for recovery of certain alleged excess payment made to the petitioner on account of an alleged erroneous fixation of pay.
2. This court while entertaining the writ petition at the first instance had vide order dated 12.09.2011 passed an interim order in favour of the petitioner restraining the respondents from making any recovery till further orders.
3. Today when the matter is taken up for hearing, the counsel for the petitioner referred to a document enclosed along with his rejoinder dated 28.12.2016 whereby the respondents/State Government have themselves

issued an order whereby they have categorically held that recovery in such cases are not to be made.

4. Since the respondents-State as a policy decision in the light of certain writ petitions which were disposed of i.e. WPS Nos.2288/1998 and 4793/2010 decided on 12.03.2013 have ordered not to initiate any recovery proceedings, the effect of that order would also be applicable in the case of the petitioner.
5. This fact is not disputed by the learned Addl. Advocate General.
6. Given the said facts, the endorsement made in the Service Book of the petitioner dated 22.11.2010 (Annexure P/6) no longer can hold the field and the same therefore deserves to be and is accordingly quashed. The respondents are restrained from making any recovery from the petitioner in the light of the circular dated 28.12.2016 (Annexure P/9) enclosed along with the rejoinder of the writ petition.
7. Accordingly, the writ petition stands allowed. The impugned endorsement dated 22.11.2010 made in the Service Book of the petitioner so far as recovery part is concerned, stands quashed.

Sd/-
(P. Sam Koshy)
Judge

inder