HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 316 of 2020

Madan Lal Sahu S/o Ganga Ram Sahu Aged About 62 Years Working As Auditor And Posted At Office Of Commissioner Raipur Division Raipur District Raipur Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Revenue, Mahanadi Bhawan , Mantralaya New Raipur , District Raipur Chhattisgarh.
2. Commissioner Raipur Division Raipur District Raipur Chhattisgarh.

----Respondents

For petitioner – Shri Ajay Shrivastava, Advocate.
For State- Shri Avinash Singh, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

16/01/2020

1. Only dispute in the present writ petition is in respect of a recovery of an amount of Rs.44,386/-, which was ordered to be deposited by the petitioner and which the petitioner has since deposited.

2. According to the petitioner, this recovery has been made on account of an alleged excess payment made to the petitioner on account of erroneous fixation. The contention of the petitioner is that the State Government subsequently on 16.09.2013 (Annexure P/4) had ordered that the (lower) amended pay scale would also be applicable for the persons working on the post of Auditor. Thus, the recovery ordered or the recovery made, both were not sustainable and the petitioner is entitled for the refund of the same. According to the petitioner, he has made representation in this regard, which is still pending consideration before the authority.

3. Given the limited dispute that the petitioner had raised and which could be decided by perusal of the records available with the department,

particularly on ascertaining whether similarly placed persons are being granted the said grade pay and whether any such recovery have been made from the similarly placed persons or not. This Court, therefore, is of the opinion that ends of justice would meet if the petitioner is directed to make fresh representation to the respondent No.1, in addition to the representation that he has already made in the past.

4. Let a fresh representation be made within a period of 10 days from the date of receipt of the copy of this order. The respondent No.1, in turn, shall scrutinize the contents of the representation and verify the contents from the record available with the department, particularly verifying the records of similarly placed persons in the department and decide the representation within a period of 90 days from the date of receipt of the representation to be made by the petitioner.

5. The petition is accordingly disposed of as per the direction indicated herein above.

Sd/-

(Goutam Bhaduri)

JUDGE

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