

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 4149 of 2013

1. M. Fakhruddin Sab, S/o Late M. J. Rajashaib, Aged About 39 Years, Presently Working As Constable, In The O/o. DIGP (Ops), Central Reserve Police Forces (CRPF), Dantewada, Distt. Dantewada C.G., Chhattisgarh

---- Petitioner

Versus

1. Union of India Through The Secretary, Ministry of Home Affairs, North Block, New Delhi, Delhi
2. Director General, Central Reserve Police Force, Directorate General, K K Parisar, Lodhi Road, New Delhi 110003
3. Special Director General, Central Reserve Police Force, Central Zone, Salt Lake, Sector-III, Kolkata, (WB), Pin: 700106
4. Inspector General of Police, C.G. Sector, CRPF, Near Police Head Quarters, Raipur, C.G.

WPS No. 1116 of 2015

1. D. K. Shukla, S/o Shri D.D. Shukla, Aged About 31 Years, Presently Working As Constable GD, In The O/o DIGP (Ops), Central Reserve Police Forces CRPF, Dantewada, Dist Dantewada Chhattisgarh, Chhattisgarh

---- Petitioner

Versus

1. Union of India Through The Secretary, Ministry of Home Affairs, North Block, New Delhi
2. Director General, Central Reserve Police Force, Directorate General, K. K Parisar Lodhi Road, New Dehli: 110003.
3. Special Director General, Central Reserve Police Force, Central Zone, Salt Lake Sector-III, Kolkata (WB). Pin: 700106.
4. Inspector General of Police, Chhattisgarh Sector CRPF, Near Police Head Quarters, Raipur Chhattisgarh

---- Respondents

For Petitioner	:	None
For U.O./Resp. No. 1	:	Mr. Rajkumar Gupta, Advocate

Hon'ble Shri Justice P. Sam Koshy
Order on Board

07.02.2020

1. The counsel appearing for the Union of India submits that both the petitioners have since been transferred out of the State of Chhattisgarh and M. Fakhruddin Sab has been transferred and posted at Nagaland, whereas D.K. Shukla is transferred to Lucknow, Uttar Pradesh. Both these petitioners had interim protection in their favour till the period they have served in the State of Chhattisgarh, subsequently on moving out of the State of Chhattisgarh, the petitioners would not be entitled for the benefit, which they were getting/receiving in the State of Chhattisgarh.
2. Undisputedly, the petitioners have been getting the said benefit/allowance under the Left Wing Extremism (LWE) Risk Hardship Allowance not on any misrepresentation or fraud played by them but mistake on the part of the respondents themselves. It is settled position of law that when monetary benefits extended to a person/employee inadvertently or on account of mistake or error on the part of the respondents the amount that has been paid cannot be recovered from the said employee. In such case, the respondent/department can take steps for rectification of an error. In the instant case, the two petitioners herein had by virtue of an interim protection granted by this Court received the said benefit till they were transferred from out of the State of Chhattisgarh.

3. In view of the same, this Court is of the opinion that the department shall not initiate recovery proceedings against the petitioners; so far as the benefit that the petitioners have received while they had served in the State of Chhattisgarh; so far as payment of aforementioned allowance, which they have received.
4. With the aforesaid observations, the present writ petitions stands disposed off.

**Sd/-
(P. Sam Koshy)
Judge**