

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

REVP No. 136 of 2020

Naval Kishore Mishra S/o Shri Ambika Prasad Mishra Aged About 73 Years
R/o Village Harratola, Post Lalpur, Tahsil Pendra Road, P.S. Pendra, District
Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Irrigation Department, Mahanadi Bhawan, New Mantralay, Atal Nagar District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
2. The Engineer In Chief Water Resources Department, Mahanadi Bhawan, New Mantralay, Atal Nagar Raipur Chhattisgarh, District : Raipur, Chhattisgarh
3. The Chief Engineer Hasdeo Kachhar, Water Resources Department, District Bilaspur, Chhattisgarh, District : Bilaspur, Chhattisgarh
4. The Superintendent Engineer Maniyari Hasdeo Division, District Bilaspur, Chhattisgarh, District : Bilaspur, Chhattisgarh
5. The Executive Engineer Water Resources Division, Pendra Road, District Bilaspur, Chhattisgarh, District : Bilaspur, Chhattisgarh
6. Deputy Director Treasury Account And Pension, Bilaspur, District Bilaspur, Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Respondents

Petition for review

(By Circulation in Chamber)

**D.B. : Hon'ble Shri Justice Manindra Mohan Shrivastava &
Hon'ble Smt. Justice Rajani Dubey**

(Order passed on 17.11.2020)

1. Review of order dated 28.1.2019 passed in Writ Appeal No. 1 of 2019 has been sought mainly on the ground that a different view has been taken in similarly situated petitioner in the case of S.S. Thakur Vs. State of

Chhattisgarh and Ors. in WPS No.2778 of 2019 which was affirmed in Writ Appeal No.04 of 2020 and further that in another case of Shankar Narayan Chakrawarty Vs. State of Chhattisgarh and Ors. (WPS No. 9716 of 2019), relief has been granted against recovery in similar circumstances.

2. The appeal of the appellant was dismissed in view of observations made by learned Single Judge in para-5 of the order passed in Writ Petition that recovery was made within a very short period of time. Moreover, it is a case of recovery from excess pension within a short period of less than two months. In view of this peculiar circumstance, order passed by learned Single Judge was not interfered with in Writ Appeal. Reliance placed on the order passed in other cases is misconceived on facts and law both.
3. The review petition is more in the nature of appeal in disguise. The petition is therefore dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Rajani Dubey)
Judge