

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 2758 of 2021

1. Kumari Anuga Singh D/o Late Shri B. Singh Aged About 62 Years R/o Vishal Nagar C-5, Telibandha, Raipur, Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh. Through The Secretary, Department of Health and Family Welfare, Mantralaya, Mahanadi Bhawan, Atal Nagar, District Raipur Chhattisgarh.
2. The Chief Medical and Health Officer, District Raipur Chhattisgarh, Department of Health and Family Welfare, Mantralaya, Mahanadi Bhawan, Atal Nagar, District Raipur Chhattisgarh.
3. The Principal Government A. N. M. Training Center, Raipur Chhattisgarh, Tikrapara, Raipur Chhattisgarh.
4. The Director Treasury Accounts and Pension, Indrawati Bhawan, Atal Nagar, Raipur Chhattisgarh District Raipur Chhattisgarh.
5. The Joint Director Treasury Accounts and Pension, Raipur Chhattisgarh District Raipur Chhattisgarh.
6. Drawing and Disbursement Officer Raipur, Chhattisgarh, District Raipur Chhattisgarh.

---Respondents

For Petitioner	:	Ms. Juhi Jaiswal, Advocate.
For State	:	Shri Shubham Verma, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

05.08.2021

1. The challenge in the present writ petition is to the order dated 25.01.2021 issued by the respondent no.3 initiating recovery against the petitioner for an amount of Rs.3,61,438/- on account of certain excess amount paid to the petitioner.
2. The whole dispute seems to be on account of certain excess payment made by virtue of three advance increments granted to the petitioner on account of having the degrees/diploma in nursing.
3. Recently this Court had an occasion of dealing with a similar matter i.e. WPS 5654 of 2017 and this Court had vide its order dated 14.06.2021 disposed of the writ petition directing the State Government to take a

decision in the light of certain correspondences made between the State of Madhya Pradesh and the State of Chhattisgarh in this regard.

4. The counsel appearing for the State submits that the State is yet to take a decision in the light of the directions given by this Court in the aforementioned writ petition and that the decision that would be taken in the said issue would be also determining the issue involved in the present writ petition.
5. Given the said facts and circumstances of the case, the writ petition at this juncture in the opinion of this Court can be disposed of with a direction to the State Authorities to take appropriate decision in the light of the order dated 14.06.2021 passed by this Court in WPS 5654 of 2017 and till the decision is taken by the State Authorities the respondents shall not initiate further recovery from the salaries payable to the petitioner pursuant to the impugned order in this case i.e. the order dated 25.01.2021. At the same time, the petitioner would also be at liberty to challenge the order dated 25.01.2021 at a later stage in case if the respondent takes a decision adverse to the interest of the petitioner and the petitioner would also be entitled for refund of any amount if any recovered till now if the decision of the Government goes favourable to the petitioner.
6. As regards the prayer of the petitioner for releasing pensionary benefits is concerned, the petitioner in the instant case has retired from service on attaining the age of superannuation w.e.f. 31.10.2020 and till date, according to the petitioner, she has not been given any retiral dues because of pending recovery notice, Annexure P/1.
7. Given the said facts, subject to the decision that the respondents would be taking in the light of the directions given by this court in WPS No.5654 of 2017, decided on 14.06.2021, let the entire admissible dues payable to the

petitioner – (minus) an amount of Rs.3,61,438/- which is the amount to be recovered from the petitioner by virtue of Annexure P/1, be cleared and settled within a period of 60 days from the date of receipt of copy of this order. So far as amount of Rs.3,61,438/-is concerned, the same shall be subject to the outcome of the decision of the State Govt. that would be taking in the light of the directions issued in WPS No.5654 of 2017.

8. With the aforesaid observations, the writ petition stands allowed and disposed of.

Sd/-
(P. Sam Koshy)
Judge

inder