

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 4234 of 2021**

1. Smt. Kirti Nirmalkar W/o Shri Narad Nirmalkar Aged About 50 Years Working As Staff Nurse At Government Hospital , Durg, District Durg Chhattisgarh.

---- **Petitioner****Versus**

1. State Of Chhattisgarh Through The Secretary, Health And Family Welfare Department , Atal Nagar Mahanadi Bhawan, New Raipur Chhattisgarh.,
2. Chief Civil Surgeon Cum Chief Hospital Superintendent Durg, District Durg Chhattisgarh.
3. Divisional Joint Director Treasury Account And Pension , Division Durg, District Durg Chhattisgarh

----**Respondents**

For Petitioner	:	Shri Somkant Verma, Advocate
For State	:	Shri Amrito Das, Addl. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****19.08.2021**

1. The challenge in the present writ petition is to the orders dated 08.06.2021, 14.06.2021 & 15.07.2021, (Annexure P/1), (Annexure P/2) & (Annexure P/3) respectively, issued by the respondent No. 2 initiating recovery against the petitioner for an amount of Rs. 2,15,666/- 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 they having the degrees/diploma in nursing.
3. Recently this Court had an occasion of dealing with a similar matter i.e. WPS 5654/2017 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. Mr. Amrito Das, Additional AG appearing for the State submits that 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 5654/2017 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 orders in this case i.e. orders dated 08.06.2021, 14.06.2021 & 15.07.2021. At the same time, the petitioner would also be at liberty to challenge the orders dated 08.06.2021, 14.06.2021 & 15.07.2021 at a later stage in case if the respondents take 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. With the above observation, the writ petition is finally disposed of.

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