

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (S) NO. 5228 OF 2021**

- Veronika Paul, W/o A.P. Paul, aged about 28 years, R/o H.No.663, New Shanti Nagar, Raipur (CG)

... Petitioner**versus**

1. State of Chhattisgarh, through the Secretary, Department of Health and Family Welfare, Mantralaya, Mahanadi Bhavan, Atal Nagar, Raipur (CG)
2. Principal Secretary, Department of Finance, Mahanadi Bhavan, Atal Nagar, Raipur (CG)
3. Dean, Pt. J.N.M. Medical College, Medical University, Raipur (CG)
4. The Joint Director, Treasury Accounts and Pension, Raipur (CG)
5. Joint Director and Superintendent, D.K.S. Hospital, Raipur (CG)
6. Drawing and Disbursement Officer, Local Office, Raipur (CG)

... Respondents

For Petitioner	:	Mr. Akash Kumar Kundu, Advocate.
For Respondents	:	Ms. Akanksha Jain, Dy. Govt. Adv.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****[01/10/2021]**

1. Challenge in the present Writ Petition is to the Order dated 1.9.2021 issued by Respondent no.3 initiating recovery against the Petitioner for an amount of Rs.6,29,757/- on account of certain excess amount paid to Petitioner.
2. The whole dispute seems to be on account of certain excess payment made by virtue of some advance increments granted to Petitioner on account of her having the degree/diploma in Nursing.
3. Recently, this Court had an occasion of dealing with a similar matter i.e. W.P.(S) No.5654/2017 and this Court had vide its Order dated 14.6.2021 disposed of the said 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. Learned Deputy Government Advocate 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 present 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 14.6.2021 passed by this Court in W.P.(S) No. 5654/2017 and till the decision is taken by the State Authorities, the Respondents shall not initiate further recovery from the salaries payable to Petitioner pursuant to the impugned Order in this case, i.e., the Order dated 1.9.2021.

6. At the same time, the Petitioner would also be at liberty to challenge the Order dated 1.9.2021 at a later stage in case the Respondents takes a decision adverse to the interest of 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 Petitioner.

7. With above direction/observation, the Writ Petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge