

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No.4097 of 2016

Umakanta Acharya

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

COROM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

12.09.2022

Order No

- 01.** 1. This matter is taken up through Hybrid Mode.
2. Heard Learned counsel for the Parties.
3. The Petitioner is aggrieved by the communication issued by the Government-Opposite Party No.1 on 01.09.2016 under Annexure-3.
4. It is submitted that while issuing in the said communication with a direction to revise the entitlement of the Petitioner from 01.01.2013 to 30.06.2015, it was directed to recover the excess amount drawn by the Petitioner.
5. Mr. Pattnaik, learned counsel for the Petitioner submitted that similar issue was also challenged before this Court in WPC(OA) Nos.3291 to 3295 of 2016 and this Court relying on the decision of the Hon'ble Apex Court reported in the case of ***State of Punjab & Others vs. Rafiq Masih***

was pleased to quash the direction towards recovery of the excess amount.

6. Since similar issue has been decided by this Court with a direction that no recovery can be effected from the Petitioner, the Writ Petition is also disposed of in the light of the said order and with a direction that no recovery be made from the Petitioner in terms of the impugned communication issued on 01.09.2016 under Annexure-3.

7. The Writ Petition is accordingly disposed of.

(Biraja Prasanna Satapathy)
Judge



Subrat