IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(S). No. 230 of 2026

Parwati Kumri Sahu, aged about 60 years, w/o. Rajendra Ohdar, resident of Bank Colony, Dunduria, P.O., P.S. & Dist. Gumla.

……. **Petitioner**

Versus

1. The State of Jharkhand through the Chief Secretary, officiating at 1st Floor, Project Building, P.O., P.S. Dhurwa, Dist. Ranchi
2. The Secretary, Department of Finance, Govt. of Jharkhand, officiating at, Project Building, P.O., P.S. Dhurwa, Dist. Ranchi
3. Principal Accountant General (A&E), Govt. of Jharkhand, officiating at A.G. Office, P.O., P.S. Doranda, Dist. Ranchi.
4. Deputy Commissioner-cum-Chairman, District Establishment Committee, Gumla, officiating at P.O., P.S. & Dist. Gumla.
5. The Deputy Development Commissioner, Gumla, officiating at P.O., P.S. & Dist. Gumla.
6. District Accounts Officer, Gumla, officiating at P.O., P.S. & Dist. Gumla.
7. Treasury Officer, Gumla, officiating at P.O., P.S. & Dist. Gumla.

……. **Respondents**

CORAM: **HON'BLE MR. JUSTICE DEEPAK ROSHAN**

For the Petitioner : Ms. Aparajita Bhardwaj, Advocate
Mr. Akash Ajit Kumar, Advocate

For the Respondents : Mr. Sanket Khanna, AC to Sr.AAG
Ms. Richa Sanchita, Advocate
Ms. Risheeta Singh, Advocate

04/ 28.10.2026 Heard the parties.

2. The instant application has been preferred by the petitioner for the following reliefs:

> *(i) For issuance of appropriate writ(s), order(s) or direction(s) in the nature of Certiorari for quashing the order contained in memo no. of 1013(II) Stha. dated 21.10.2025 (Annexure - 6) issued under the pen and signature respondent no. 4 whereby and whereunder a recovery has been directed against the petitioner and the petitioner has been directed to deposit Rs. 11,89,684/- (Rs. Eleven Lakh Eighty Nine Thousand Six Hundred Eighty Fourt only) by way of challan in the Government treasury as the said order has been passed without serving any show cause/ notice upon the petitioner and without initiating any departmental proceeding against her and straightaway recovery has been directed in an arbitrary and whimsical manner at the fag end of her service i.e. only 9 days before her superannuation;*

(ii) For issuance of an appropriate writ in the nature of declaration declaring that the order contained in memo no. 1013(II) Stha. dated 21.10.2025 (Annexure-6) is arbitrary, illegal and erroneous as the same has been passed at the fag end of the service of the petitioner without there being any misrepresentation, suppression of fact or fraud on the part of the petitioner and as such the said action of the respondent authorities is liable to be deprecated and set aside.

(iii) For issuance of further appropriate writ, order or direction or a writ in the nature of mandamus commanding upon the respondents to pay the entire retiral benefits including pension, gratuity and travel allowance with all consequential benefits to the petitioner as the same has not been paid to the petitioner after her superannuation on 31.10.2025;

(iv) During the pendency of the instant writ petition, the operation, execution and implementation of order contained in memo no. 1013(II) Stha. dated 21.10.2025 (Annexure 6) against the petitioner may be stayed.

3. The petitioner was appointed as Junior Accounts Clerk vide memo No. 750 dated 11.07.1984 issued by the Deputy Development Commissioner, Gumla. The petitioner received 1st time bound promotion vide order dated 20.03.1996 w.e.f. 20.07.1994.

Thereafter, 2nd MACP was granted w.e.f. 02.09.2008 and 3rd MACP was granted vide order contained in memo No. 25.06.2016 w.e.f. 20.07.2014 respectively. The petitioner was promoted to the post of Office Superintendent, District Supply Division, Gumla vide memo No. 911(ii) dated 13.08.2022 w.e.f. 01.07.2016 and further promoted to the post of Administrative Officer, Collectorate, Gumla vide memo No. 250 dated 02.03.2024 w.e.f. 01.02.2024.

4. It is the case of the petitioner that vide memo No. 1013 (II) Stha. Dated 21.10.2025, the petitioner was directed to deposit Rs.11,89,684 in the government treasury, alleging misconstruction, though the petitioner never misrepresented or suppressed any facts and never acted fraudulently for any monetary gain. The petitioner superannuated on 31.10.2025 but her pension, gratuity and travel allowance remain unpaid, despite her submitting representations on 07.11.2025 for release of retiral dues.

5. Hence, she has been constrained to knock the door of this Court.

6. The grievance of the petitioner is that without any show-cause notice, Annexure-6 has been issued whereby a direction has been given to recover Rs.11,89,684/- from the retiral benefits of the petitioner.

7. A counter-affidavit has been filed in this case but it has not been demonstrated as to whether any show-cause notice was given prior to issuance of order of recovery (Annexure-6).

8. As a matter of fact, the Co-ordinate Bench of this Court vide its order dated 22.01.2026 has stayed the further recovery from the date of the order but the grievance of the petitioner is that even after that, on 25.02.2026, further recovery has been made, for which the petitioner has also filed a contempt application, which is listed before the Co-ordinate Bench.

9. However, this Court is concerned with the impugned order and the legality/ illegality of the same.

10. From the records, it appears that there is no document to suggest that any show-cause notice was issued asking for a reply. As such, this Court holds that the procedure adopted by the respondents in issuing impugned order of recovery without any show-cause notice, is bad in law. In this regard reference may be made to the order passed by this Court in *W.P.(S). No. 5502 of 2024*, wherein this Court has held as under:

> *"11. It is true that if any wrong fixation has been done with respect to any employee, then the respondents are free to rectify the mistake; but in no case, they can recover the amount that also without giving any show-cause notice."*

11. Admittedly, order of recovery has been issued without issuance of any show-cause notice; accordingly, the same is quashed and set aside. The amount which has been recovered shall be refunded to

the petitioner forthwith but any case not beyond the period eight weeks from the date of receipt/production of a copy of this order.

12. However, liberty is given to the respondents to proceed in accordance with law, if so advised.

13. As a result, the instant application stands allowed.

(Deepak Roshan, J.)

28th October, 2026
Kunal/-
Uploaded on 06.11.2026