CGHC010110452025 2026:CGHC:43422

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 1982 of 2025

- Sevalal Chiram S/o Late Barsan Ram Chiram Aged About 67 Years R/o Village- Karamad, Post And Tahsil Durgkundal, District North Bastar Kanker (C.G.)

... Petitioner(s)

versus

1. The State Of Chhattisgarh Through The Secretary, Education Department, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh

2. District Education Officer North Bastar Kanker, District North Bastar Kanker Chhattisgarh

3. Regional Joint Director Fund Account And Pension Bastar Division, Bastar Chhattisgarh

4. Principal Government Higher Secondary School, Lohattar, Block Durgkundal, District North Bastar Kanker (C.G.)

5. Accountant General Divisional Joint Director (Fund, Account And Pension), Division Raipur, District Raipur, Chhattisgarh

... Respondent(s)

For Petitioner	:	Ms. Pratibha Sahu, Advocate
For Respondents No. 1 - 4	:	Mr. Sourabh Sahu, P.L.
For Respondent No. 5	:	Mr. Raj Kumar Gupta, Advocate

Hon'ble Shri Justice Rakesh Mohan Pandey

Order On Board

07.10.2026

1) By way of this petition, petitioner has sought following reliefs :-

> **10.1** The Hon'ble Court may kindly be pleased to quash the recovery letter dated 21-05-2024 issued by the respondent no.5 against the petitioner for recovery amount of Rs. 2,57,915/- with penal interest.
>
> **10.2** The Hon'ble court may kindly be pleased to direct the respondent authorities to release and pay the entire retiral dues to the petitioner with interest of 18% per annum and further be please to initiate the contempt proceeding against the respondents.
>
> **10.3** The Hon'ble Court may kindly be pleased to grant any other ancillary relief, as it may deem fit and proper in the facts and circumstances of the case.

2) Learned counsel for the petitioner submits that the petitioner was initially appointed to the post of Teacher in the respondent department and subsequently superannuated from service on 24.09.2018 from the post of Lecturer. She further submits that respondent No. 5 issued the impugned recovery letter dated 21.05.2024, alleging that the petitioner had withdrawn an excess amount from his GPF account. She also contends that a similar issue came up for consideration before this Court in **WPS No. 7834 of 2022 (*Smt. Draupadi Chauhan v. State of Chhattisgarh & Others*)**, wherein this Court held that recovery claims raised by the department beyond a period of six months from the date of retirement are not sustainable in the eyes of the

law, and consequently quashed the orders of recovery. She, therefore, prays that the present writ petition be allowed.

3) *Per contra*, learned counsel appearing for the respective respondents oppose the petition and submit that the petitioner was well aware of having withdrawn an amount in excess of his entitlement from his GPF account, yet never disclosed or communicated this fact to the department. They further submit that in terms of Rule 14(7) of the Chhattisgarh General Provident Fund Rules, 1955 (for short, "the CG GPF Rules, 1955"), where a subscriber is found to have drawn from the fund an amount in excess of the amount standing to his credit on the date of withdrawal, the overdrawn amount is liable to be repaid in one lump sum along with interest thereon, failing which it carries interest at the rate of 2.5% per annum. It is, therefore, submitted that since the impugned order has been passed strictly in accordance with Rule 14(7) of the CG GPF Rules, 1955, the writ petition lacks merit and deserves to be dismissed.

4) I have heard learned counsel for the parties and perused the documents placed in record.

5) Admittedly, a similar issue came up for consideration before this Court in **WPS No. 7834 of 2022**, wherein this Court, while examining the scope of sub-rule (7) of Rule 14 of the Chhattisgarh General Provident Fund Rules, 1955, as well as Rules 65 and 66 of the Chhattisgarh Civil Services (Pension) Rules, 1976, quashed

the recovery orders, holding that claims raised by the department beyond a period of six months from the date of retirement of a government servant are not sustainable in the eyes of the law.

6) In my considered view, case of the petitioner is squarely covered covered by the judgment rendered by this Court in **WPS No. 7834 of 2022** decided on 07.05.2026 in case of **Smt. Draupadi Chauhan v. State of Chhattisgarh & Others.**

7) Accordingly, this petition is allowed in terms of the order passed in the case of **Smt. Draupadi Chauhan** (supra).

Sd/-
(Rakesh Mohan Pandey)
JUDGE

Ajinkya

Digitally signed by AJINKYA PANSARE
Date: 2026.10.08 13:52:44 +0530