



2025:CGHC:38791

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 302 of 2023

- Arun Kumar Sarve S/o A. Sarve Aged About 55 Years Working As Field Assistant, Resident Of Village And Post Jevra Sirsa, Tahsil And District Durg (C.G.)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Fishiculture Department, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur (C.G.)
2. The Director Directorate Of Chhattisgarh State Audit, Block-1, Second Floor, Indravati Bhawan, Nawa Raipur, Atal Nagar (C.G.)
3. The Executive Engineer Chhattisgarh State Cooperative Federation Limited, Machhli Palan Vibhag Parisar Near Telibandha Thana, Ravigram, Telibandha, G.E. Road, Raipur, District Raipur (C.G.)

---- Respondents

16.01.2023	Shri Goutam Khetrapal, counsel for the petitioner. Shri Shubham Verma, PL for the State. Heard. Issue notice to respondents. Shri Shubham Verma, learned PL accepts notice on behalf of respondents. Hence PF is not required to be paid. He prays for and is granted four weeks' time to file reply. On payment of PF as per rules, issue notice to respondent-3. Notice be made returnable within four weeks. Also heard on IA-1 of 2022, application for grant of interim
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	relief. Learned counsel for the petitioner would submit that recovery which is sought to be made pursuant to order dated 11.10.2022 (Annexure P1) is of amount stated to have been paid to petitioner in excess about five years ago. Petitioner is holding Class-III post, therefore, in view of decision of Hon'ble Supreme Court in case of State of Punjab and others Vs Rafiq Masih (White Washer) and another reported in (2015) 4 SCC 334, recovery is not permissible. Considering submissions of counsel for petitioner, purely as an interim measure, it is directed that no recovery shall be made pursuant to order dated 11.10.2022 (Annexure P1) till the next date of hearing. List this case after four weeks. Sd/- (Parth Prateem Sahu) JUDGE
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