



2026:CGHC:36937



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 794 of 2026

1 - Narayan Lal Sahu S/o Late Punit Ram Sahu Aged About 63 Years Retired Superintendent Land Record, R/o - House No. 890, New Banjari Nagar, Kushalpur, Purani Basti, Raipur, District : Raipur, Chhattisgarh

... Petitioner

versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Revenue And Disaster Management, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District : Raipur, Chhattisgarh

2 - The Commissioner Land Record, Indrawati Bhawan, Atal Nagar, Nawa Raipur, District : Raipur, Chhattisgarh

3 - The District Collector Raipur (Land Record Section), District : Raipur, Chhattisgarh

4 - The Joint Collector Raipur, District : Raipur, Chhattisgarh

... Respondents

For Petitioner	: Mr. Neeraj Choubey, Advocate.
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For State	: Mr. Hariom Rai, Panel Lawyer.
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Hon'ble Shri Bibhu Datta Guru, Judge

Order on Board

18/08/2026

1. By the present petition, the petitioner has prayed for following reliefs:-



“I. That, the Hon'ble court may be pleased to issue an appropriate writ in the nature of mandamus, by commanding the respondent authority to immediately released the pension, Gratuity amount, and GPF amount of the petitioner along with interest @ of 18% p.a. for delay payment of the entire retrial dues of the petitioner.

II. That, the Hon'ble High Court may kindly be please to set-aside/quash the impugned recovery memo dated 13.01.2026 (Annexure-P/1) issued by the respondent No.4, by declaring the same is bad in the eyes of law.

III. That, the Hon'ble High Court may kindly be please to imposed the heavy cost upon the respondents on account of the harassment of the retired person without any justification. And also awarded the cast of litigation arise due to illegality committed by the respondents.

IV. Any other relief (s), which this Hon'ble Court may think fit and proper in the facts and circumstances of the case.”

2. Learned counsel for the petitioner submits that the petitioner, who retired from Class-II post on 31/08/2025, is aggrieved by the order of recovery dated 13/01/2026,



whereby an amount of Rs. 2,26,218/- has been sought to be recovered towards alleged excess payment of increments made from July, 2016 to August 2025. It is submitted that the said order of recovery has been passed in violation of the principles of natural justice, as neither any notice was issued to the petitioner nor was he afforded any opportunity of hearing before passing the order. In the year 2023, the petitioner has been promoted as a Class-II officer as Superintendent Land Record and retired in the year 2025. Learned counsel submits that in the case of **State of Punjab and others V. Rafiq Masih (White Washer) and others, reported in (2015) 4 SCC 334**, the Hon'ble Supreme Court has observed and framed guidelines that recovery from employees, when the excess payment has been made for a period in excess of five years, before the order of recovery is issued, cannot be recovered from a retired employee.

3. Learned counsel for the respondents submits that, insofar as the issuance of notice or affording an opportunity of hearing to the petitioner is concerned, though no such notice was issued nor any opportunity of hearing was afforded to the petitioner, the statement annexed to the recovery order clearly indicates that the petitioner was paid salary in excess of his entitlement. It is, therefore, submitted that the order of recovery suffers from no illegality and does



not warrant interference.

4. I have heard learned counsel for the parties, perused the pleadings and documents.
5. From perusal of the impugned order, Annexure P-1, it appears that no notice was issued to the petitioner prior to passing of the order of recovery. It is an admitted position that neither any show-cause notice was served upon the petitioner nor was he afforded any opportunity of hearing before directing recovery of the alleged excess payment. The petitioner had already retired from service on 31/08/2025, whereas the impugned order of recovery came to be passed subsequently on 13/01/2026. Thus, the order of recovery, having been passed without affording any opportunity of hearing to the petitioner, is in violation of the principles of natural justice.
6. The Supreme Court in the matter of **Prakash Ratan Sinha Vs. State of Bihar and Others** reported in **2009 (14) SCC 690** held thus:-

“15. the adherence to principles of natural justice as recognized by all civilized states is of supreme importance or when a quasi judicial body embarks on determining dispute between the parties, or any administrative action involving civil consequences is in issue. Even an administrative order, which involves civil consequence must be



consisted with the rules of natural justice.”

7. It is the well settled proposition of law that no orders causing civil consequences can be passed, without observing rules of natural justice. Fair play in action warrants that no such order which has the effect of an individual suffering civil consequences should be passed without putting the concerned to notice and giving him a hearing in the matter. It is also trite laws that if any of its actions or administrative decisions result in civil consequences, the actions or decisions could be judicially reviewed or tested on the anvil principles of natural justice.
8. In view of the aforesaid facts and circumstances, the impugned order of recovery dated 13/01/2026, Annexure P-1, is hereby quashed. However, it is made clear that the respondents are at liberty to examine the issue of the alleged excess payment made to the petitioner and, if so advised, pass an appropriate order in accordance with law, after affording due notice and reasonable opportunity of hearing to the petitioner.
9. Accordingly, the present petition is **allowed** to the above extent.

SD/-

(Bibhu Datta Guru)
Judge

Amardeep