



HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WPS No. 4200 of 2012Bhagirathi Adile **Versus** State Of Chhattisgarh & Ors.

WPS 396/2017, WPS 432/2017, WPS 1364/2012, WPS 3565/2010, WPS 2555/2012, WPS 1210/2014, WPS 6681/2011, WPS 6988/2011, WPS 2152/2017, WPS 2274/2017, WPS 2415/2017, WPS 2315/2013, WPS 2325/2013, WPS 2600/2017, WPS 2615/2017, WPS 2621/2017, WPS 2734/2017, WPS 2708/2017, WPS 2914/2017, WPS 2687/2013, WPS 3032/2017, WPS 2983/2017, WPS 2922/2017, WPS 2911/2017, WPS 2936/2017, WPS 2930/2017, WPS 2957/2017, WPS 2943/2017, WPS 2956/2017, WPS 2958/2017, WPS 3121/2017, WPS 3122/2017, WPS 3120/2017, WPS 3123/2016, WPS 3050/2017, WPS 2968/2017, WPS 2966/2017, WPS 3125/2017, WPS 2988/2017, WPS 2996/2017, WPS 3087/2017, WPS 3151/2017, WPS 3016/2017, WPS 3000/2017, WPS 2993/2017, WPS 3015/2017, WPS 3053/2017, WPS 3118/2017, WPS 3115/2017, WPS 3184/2017, WPS 2998/2017, WPS 3041/2017, WPS 3123/2017, WPS 3116/2017, WPS 3196/2017, WPS 3071/2017, WPS 3114/2017, WPS 3061/2017, WPS 3153/2017, WPS 3312/2017, WPS 3105/2017, WPS 3107/2017, WPS 3132/2017, WPS 3124/2017, WPS 3206/2017, WPS 3136/2017, WPS 3194/2017, WPS 3166/2017, WPS 3157/2017, WPS 3465/2017, WPS 3402/2017, WPS 3180/2017, WPS 3212/2017, WPS 3214/2017, WPS 3201/2017, WPS 3361/2017, WPS 3326/2017, WPS 3271/2017, WPS 3277/2013, WPS 3410/2017, WPS 3408/2017, WPS 3288/2017, WPS 3332/2017, WPS 3415/2017, WPS 3411/2017, WPS 3417/2017, WPS 3432/2017, WPS 3443/2017, WPS 3493/2017, WPS 3473/2017, WPS 3487/2017, WPS 5331/2016, WPS 6291/2016,

01/08/2017	Shri CJK Rao, Shri Harish Khuntiya, Shri Somkant Verma, Shri Amit Kumar Sahu, Shri Dashrath Prajapati, Shri Ajay Shrivastava, Shri Raghvendra Verma, Shri V.K. Pandey, Shri Shashank Thakur, Shri K.S. Pawar, Shri Subhash Yadav, Shri Anand Shukla, Shri Sourabh Sharma, Shri T.K. Jha, Shri P.K.Tulsyan, Shri Awadh Tripathi, Shri Vinod Kumar Tekam, Shri Rajesh Kumar Sharma, Shri Anup Majumdar, Shri Anil Mourya, Shri R.R. Sinha, Shri U.R. Koshaley, Shri Ashok Patil, Shri R.K. Kesharwani, Shri Prasoon Agrawal, Shri Somath Verma, Shri Basant Kaiwartya, Shri Dharmesh Shrivastava, Shri Manoj Kumar Jaiswal, Shri K.K. Pandey, Shri B.P. Singh, Shri Prateek Sharma, Shri Sushil Dubey, Shri Pawan



	Shrivastava, Shri Prakash Tiwari, Shri Atanu Ghosh, Shri Varunendra Mishra and Shri Govind Dewangan counsel for respective petitioners. Shri A.S. Kachhawaha, Additional Advocate General with Shri Satish Gupta, Govt. Advocate and Shri Manish Nigam, Panel Lawyer for the State. Shri Bhupendra Singh, Shri Rajkumar Gupta, Shri Ashwani Shukla, Shri Ramakant Pandey and Ms. Poornima Singh, counsel for the respondent-Accountant General and Shri Abhishek Sinha, counsel for respondent -SBI. Heard. In these petitions, challenge has been made to the order of recovery from the petitioners after their retirement. In all these cases, relying upon the judgment of the Supreme Court in the case of State of Punjab and ors. v. Rafiq Masih (White Washer) and ors., (2015) 4 SCC 334, a common submission has been made that after retirement, no recovery is permissible on any count whatsoever. Further, submission is that recovery has been ordered without issuing any notice and showing cause against proposed recovery. On the other hand, learned counsel for the respondents submit that the recovery were to be ordered because it was found that the petitioners were paid in excess of the amount which was due and payable to the petitioners and in so many cases, after retirement of the employees, when the GPF accounts were checked, it was found that the employees have been allowed to take part withdrawal from GPF accounts in excess of the total amount lying in their GPF account. On the next date of hearing, the respondents-State and the Accountant General shall apprise the Court as to whether these petitioners were afforded any opportunity of hearing before passing the order of recovery. Moreover, it shall also be apprised to the Court whether any undertaking was given by these petitioners that if any excess amount is found paid, recovery may be made from their dues even after retirement.
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Praveen	The affidavit shall be filed by the State within a period of six weeks. List these cases after six weeks. In all these cases, till the next date of hearing, no coercive steps shall be taken against the petitioners towards recovery by the respondents. Sd/- (Manindra Mohan Shrivastava) Judge
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