



2026:CGHC:21605



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**NAFR****HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 1455 of 2022**

1 - Dhaniram Yadu S/o Late, Sadhram Yadu, Aged About 68 Years R/o -  
Retired Social Education Orgnizer, Vijaya Nagar Bank Colony Durg, District  
Durg (C.G.)  
... **Petitioner**

**versus**

1 - State Of Chhattisgarh Through The Secretary, Social Welfare Department, Atal  
Nagar Mahanadi Bhawan, New, Raipur (C.G.)

2 - Deputy Director, Social Welfare Department, Durg, District-Durg (C.G.)

3 - Divisional Joint Director, Treasury Account And Pension, Division-Durg, District-  
Durg (C.G.)  
---- **Respondents**

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For Petitioner : Mr. Manoj Chouhan, Advocate  
For State : Mr. T.L. Bareth, Panel Lawyer

**Hon'ble Shri Justice Rakesh Mohan Pandey****Order on Board****08.05.2026**

1. The petitioner has filed this petition seeking the following relief(s):-

“(i) That, this Hon'ble Court may kindly be pleased to direct the respondent authority to refund recovered amount of Rs 78,672/- to the petitioner with normal rate of interest 18%.

(ii) Any other relief which the Hon'ble Court deems fit and proper may please also be granted.”

2. Learned counsel appearing for the petitioner would submit that the petitioner got retired from the post of Social Education Organizer on account of superannuation on 30.06.2016. He would further submit that after retirement, an order of recovery of amount of Rs.78,672/- has been issued by respondent No.2 on the ground



that pay scale of the petitioner was wrongly revised by the department at higher side. Mr. Chauhan would contend that the petitioner was Class-III employee. The pay scale of the petitioner was revised by the department itself which continued for a period from 01.08.2012 to 30.06.2016 and after retirement, order of recovery has been passed. He would further contend that after retirement, it would be iniquitous on the part of the petitioner to refund the amount assessed by respondent No.3. He would argue that the matter of the petitioner is squarely covered with the ratio laid down by the Hon'ble Supreme Court in the matter of ***State of Punjab and others Vs. Rafiq Masih (White Washer) and others, 2015 AIR SCW 501.***

3. On the other hand, learned Panel Lawyer appearing for the State would oppose the submissions made by Mr.Chauhan. He would submit that the salary of the petitioner was wrongly fixed by the department and when this fact came within the knowledge of the officials of the department, immediately thereafter, order of recovery was issued. He would submit that present petition deserves to be dismissed.
4. Heard the learned counsel appearing for the parties and perused the documents placed on record.
5. In the matter of **Rafiq Masih (supra)**, the Hon'ble Supreme Court held as under:-

“(i) Recovery from employees belonging to Class-III and Class-IV service (or Group 'C' and Group 'D' service).

(ii) Recovery from retired employees, or employees who are due to retire within one year, of the order of recovery.



(iii) 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.

(iv) Recovery in cases where an employee has wrongfully been required to discharge duties of a higher post, and has been paid accordingly, even though he should have rightfully been required to work against an inferior post.

(v) In any other case, where the Court arrives at the conclusion, that recovery if made from the employee, would be iniquitous or harsh or arbitrary to such an extent, as would far outweigh the equitable balance of the employer's right to recover."

6. In the present case, the petitioner was a Class-III employee and he has already got retired from services on 30.06.2016 and it would be iniquitous on the part of the petitioner to make payment of excess amount paid to him. Further, there was no misrepresentation on the part of the petitioner.
7. Taking into consideration the law laid down by the Hon'ble Supreme Court in the matter of **Rafiq Masih** (supra) and the facts of the case, the action for recovery initiated by the respondent authorities is held to be bad in law and is hereby quashed. The amount, if any, recovered shall be refunded to the petitioner forthwith with interest @ 6% per annum from the date of deposit till the date of realization.
8. With the aforesaid observation(s)/direction(s), the present petition is **disposed of**.

**Sd/-**  
**(Rakesh Mohan Pandey)**  
Judge