



2026:CGHC:1223



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 1495 of 2022

1 - Smt. Durga Sahu W/o Jagatram Sahu Aged About 62 Years R/o Kelabadi Near Rani Lakshmi Bai Chowk, Tahsil And District Durg, (C.G.)

... Petitioner(s)

versus

1 - State Of Chattisgarh Through The Secretary, School Education Department, Mahanadi Bhavan, Mantralaya, New Raipur, District Raipur, (C.G.)

2 - Accountant General Raipur, Raipur, District Raipur, (C.G.)

3 - District Education Officer Durg District Durg, (C.G.)

4 - Principal Govt. Multipurpose Higher Secondary School Durg, District Durg (C.G.)

... Respondent(s)

For Petitioner(s)	:	Shri Amit Nayak, Advocate
For Respondent / State	:	Shri Abhishek Singh, Panel Lawyer
For Respondent No.2	:	Shri Rajkumar Gupta, Advocate

({Hon'ble Shri Justice Sachin Singh Rajput})

Order on Board

08/01/2026

Following relief has been claimed in this writ petition -

I. That, this Hon'ble Court may kindly be pleased to quash the order of



recovery of excess payment and the respondent authorities may kindly be directed to refund the recovery amount to the petitioner.

II. That, any other relief/order which may deed fit and just in the facts and circumstances of the case including award of the costs of the petition may be given.

2. Learned counsel for the petitioner submits that the petitioner who was working as Upper Division Teacher and retired on 31/05/2021 on attaining the age of superannuation. Petitioner is a Class-III employee. He further submits that recovery of an amount of Rs.164672/- was made from the retiral dues of the petitioner on account of excess payment of salary from December, 1996 to January, 2018. It is submitted that the recoveries are made after retirement of the petitioner which is impermissible in the light of judgment of Hon'ble Supreme Court in the case of **State of Punjab and ors etc. Vs. Rafiq Masih (White Washer) etc., 2015 4 SCC 334**. He further submits that the judgment of Rafiq Masih (supra) has been subsequently followed by Hon'ble Supreme Court in the case of **Thomas Daniel vs. State of Kerala and others** reported in **2022 SCC OnLine 536** and **Jogeswar Sahoo & ors. vs. The District Judge, Cuttack & ors., 2025 SCC OnLine SC 724**. Thus, he submits that the petitioner being a class-III employee, the recovery deserves to be set aside. He submits that the excess was not paid to the petitioner on account of any misrepresentation or fraud played by him. Thus, for the mistake committed by the respondent/State, the petitioner cannot suffer.

3. On the other hand, learned State counsel submits that excess payment was made to the petitioner on account of wrong fixation of pay scale which came into light later on, thus, the recovery was made. Therefore, this petition deserves to be dismissed.

4. Heard learned counsel for the parties and perused the record.

5. It is not in dispute that the petitioner is a class-III employee and retired on 31/05/2021 on attaining the age of superannuation. It is also not in dispute that the recovery order was issued after retirement of the petitioner and recovery was made after her retirement. It is not a case of the respondents that excess payment



was made to the petitioner on account of his misrepresentation or fraud played by him. The issue involved in this case is squarely covered by the judgment of Hon'ble Supreme Court in the case of **Rafiq Masih** (supra) wherein the Supreme Court has categorically held that it would be impressible under the law for the employer to make recovery from a class-III employee after his retirement. The judgment of Hon'ble Supreme Court in the case of **Rafiq Masih** (supra) has also been followed with approval in the case of **Thomas Daniel (supra)** and **Jogeswar Sahoo (supra)**.

6. In view of above, the recovery so made cannot stand and thus liable to be set aside. It is directed that if any amount is recovered, the same shall be refunded back to the petitioner within a period of 60 days from the date of receipt of copy of this order. The writ petition is accordingly allowed.

Sd/-

(Sachin Singh Rajput)

JUDGE