



HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 1435 of 2025

SMT. REKHA PANDEY *versus* STATE OF CHHATTISGARH

Order Sheet

25/02/2025	Mr. Abhishek Pandey, Advocate along with Ms. Swati Rani Saraf, counse for the petitioner. Ms. Shailja Shukla, Dy. G.A. for the State. Learned counsel for petitioner submits that challenge in this writ petition is to the recovery order passed on 29.08.2024 and petitioner has already retired from service on 30.06.2024. Since recovery order has not been passed within one year before retirement of petitioner, as such, it is covered by the case of State of Punjab and Others etc. vs. Rafiq Masih (White Washer) etc. reported in (2015) 4 SCC 334. After retirement, petitioner has not been given retiral dues. It is further contention of learned counsel

for petitioner that from the retiral dues, the amount in dispute to be recovered from petitioner may be kept pending subject to decision of this Court and thereafter, remaining retiral dues of petitioner may be released.

Considering submission made by learned counsel for petitioner, except the amount in dispute i.e. Rs. 3,10,195/-, respondents are directed to release all other service benefit including pension of petitioner within some reasonable time. So far as the amount to be recovered from petitioner is concerned, respondents may retain the same from any of the retiral dues of petitioner. It is made clear that respondents are directed to release pensionary benefit of petitioner, forthwith.

In the meanwhile, learned State counsel is directed to file reply in the matter.

As the matter relates to recovery as such, list this case in the week commencing 21st of April, 2025.

Sd/-

(Amitendra Kishore Prasad)
Judge

Raghu Jat