



HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 2026 of 2026

1 - Smt. Jaswanti Bai W/o Late Sri Ganpat Rao Bagde Aged About 75 Years C/o M.K. Khobragade, Q. No. M I G 382, H B Colony, Borsi, Bhilai, Durg C G-490001.

... Petitioner

Versus

1 - State Of Chhattisgarh Through The Director, Directorate Of Agriculture, Department Of Agriculture Development, Farmer Welfare And Biotechnology, Block- 2, Second Floor, Indravati Bhavan, Nava Raipur, Atal Nagar, C.G.-492002.

2 - District Treasury Officer, Accounts And Pension, Nagar Ghadi Chowk, Raipur C.G.

3 - State Bank Of India, Centralized Pension Processing Cell (C P P C), Through Its General Manager, Raipur C.G.

4 - Branch Manager, State Bank Of India, Market Area Branch, Bhilai, Durg C.G.

... Respondents

Order Sheet

25/02/2026	Mr. Raja Sharma, Advocate for the Petitioner. Ms. Apurva Nigam, Panel Lawyer for the Respondents No.

	1 & 2/State. Mr. Swapnil Thawani, Advocate on behalf of Mr. P.R. Patankar, Advocate for the Respondents No. 3 & 4. Issue notice to the respondents. Learned counsel for the respective respondents accepts notice. Hence, no process fee is required to pay for these respondents. Learned counsel for the respective respondents prays for and is granted 03 weeks time to file reply. Also heard on I.A. No. 01/2026 which is an application for grant of interim relief. Learned counsel for the petitioner submits that the recovery notice dated 22.01.2026 (Annexure P/1) is issued by the Respondents No. 3 & 4/Bank on the ground that after death of the employee, excess amount of family pension has been paid to the petitioner. He contended that the petitioner is aged about 75 years and if the deduction is to be made from family pension towards the recovery, then, it will be difficult for petitioner to meet day to day expenses. He also submits that Hon'ble Supreme Court in case of <i>State of Punjab & Ors Vs. Rafiq Masih (White Washer) & Ors</i>, reported in <i>(2015) 4 SCC 334</i> has held recovery to be impermissible when the recovery is proposed after more than 05 years and also from the retired employee and therefore, the recovery as proposed by the Respondents No. 3 & 4 vide notice dated 22.01.2026 (Annexure P/1) be stayed. On the other hand, learned counsel for the respective respondents submits that they will file reply to the application for grant of interim relief also.
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I have heard learned counsel for the parties and perused the documents enclosed along with the writ petition.

On due consideration of the submission of learned counsel for the parties, facts and circumstances of the case and documents enclosed along with the writ petition, purely as an interim measure, it is directed that the effect and operation of the impugned recovery notice dated 22.01.2026 (Annexure P/1) shall remain stayed till the next date of hearing.

Sd/-
(Parth Prateem Sahu)
Judge

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