



2026:CGHC:10242

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 2094 of 2020**

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Smt. Ganga Netam W/o Late Parmanand Netam, Aged About 25
Years R/o Qtr. No. 70 R.E.S. Colony, Kanker, District Uttar
Baster Kanker, Civil And Revenue District Kanker Chhattisgarh,
District : Kanker, Chhattisgarh

--- Petitioner(s)**versus**

1 - State Of Chhattisgarh Through Secretary, Social Welfare
Department, Mahanadi Bhavan, Mantralay, New Raipur
Chhattisgarh, District : Raipur, Chhattisgarh

2 - The Joint Director, Treasury, Account And Pension, Baster
Division, Jagdalpur, District Baster Chhattisgarh, District :
Bastar(Jagdalpur), Chhattisgarh

3 - The District Treasury Officer, Uttar Baster Kanker, District
Kanker Chhattisgarh, District : Kanker, Chhattisgarh

4 - The Deputy Director, Panchayat And Social Welfare Office,
Kanker District Kanker Chhattisgarh, District : Kanker,
Chhattisgarh

5 - The State Bank Of India Through The Branch Manager,
Branch Kanker Main Road, National Highway No. 43, Jagdalpur
Road, District Kanker Chhattisgarh, District : Kanker,
Chhattisgarh

--- **Respondent(s)**

For Petitioner : Mr. Manoj Kumar Sinha, Advocate
For Respondents No. 1 to: Mr. Sharad Mishra, P.L.

4/State

For Respondent No. 5 : Mr. P.R. Patankar, Advocate

SB - Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

27.02.2026

1. By way of this writ petition, the petitioner has challenged the impugned notice dated 08/01/2020 passed by respondent No. 5 Bank for recovering the excess amount of family pension paid to her as well as the entire recovery proceedings initiated against her.
2. Petitioner is widow who was given compassionate appointment after her husband died on harness and she were also paid family pension and gratuity, however, on 08/01/2020, the respondent No. 5 Bank issued notice to the petitioner regarding recovery of excess amount of family pension paid to her stating that she has been appointed on compassionate ground and as such, she

will not be entitled to dearness allowance on family pension.

- 3.** Learned counsel for the petitioner submits that the impugned order has been passed without giving any opportunity of hearing to the petitioner, which is unsustainable and bad in law, as such, the impugned order is liable to be set aside.
- 4.** Learned counsel for respondents No. 1 to 4/State would support the impugned order and submit that as the petitioner has already got compassionate appointment, dearness allowance ought not have been paid to her and as such, the payment of dearness allowance on family pension to the petitioner from 03/05/2008 to 30/06/2017 resulted in excess payment of Rs. 2,62,768/- and thus, the impugned order of recovery has been passed.
- 5.** Learned counsel for respondent No. 5 would submit that the impugned order of recovery has been passed by the respondent No. 5 Bank upon the instructions of the District Treasury Officer and the circular dated 24/07/2020 issued by the State Government.
- 6.** I have heard learned counsel for the parties, considered their rival submissions made herein-above and went through the records with utmost circumspection.

7. A careful perusal of the record would show that before passing the impugned order, the petitioner has not been afforded due opportunity of hearing and the order has been passed on the basis of circular dated 24/07/2020 issued by the District Treasury Officer and as such, the impugned order is thus unsustainable and bad in law and it is hereby set aside. The District Treasury Officer is directed to hear the petitioner and thereafter pass a fresh order in accordance with law.

8. Accordingly, this writ petition is allowed to the extent indicated herein-above. No cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Harneet