



HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 3202 of 2026

Shyamlal Patel S/o Late Raghunath Patel Aged About 61 Years Presently Posted As Patwari At Village - Mulnar, P H No. 11, Tahsil - Mardapal, District - Kondagaon Chhattisgarh

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through The Secretary, Ministry Of Revenue And Disaster Management, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh

2 - Collector, Kondagaon District - Kondagaon Chhattisgarh

3 - Sub-Divisional Officer (Revenue) Kondagaon, District - Kondagaon Chhattisgarh

4 - Tahsildar Tahsil - Kondagaon, District - Kondagaon Chhattisgarh

5 - Tahsildar Tahsil - Mardapal, District - Kondagaon Chhattisgarh

6 - Divisional Joint Director Treasury, Accounts And Pension, Jagdalpur, District - Bastar Chhattisgarh

7 - District Treasury Officer Kondagaon, District - Kondagaon Chhattisgarh

... Respondent(s)

Order Sheet

13/04/2026	Mr. Anukul Biswas, Counsel for the petitioner. Mr. Vivek Verma, G.A. for the State. Issue notice to the respondent. Mr. Vivek Verma accepts notice on behalf of the respondent/State. Hence, P.F. not required to be paid. Learned State counsel prays for and is granted 6 weeks time to file reply. Heard on I.A. No. 01/2026, application for grant of interim relief/stay. Learned counsel for the petitioner submits that recovery is sought from the petitioner on the ground that excess salary is paid to the petitioner. He would further submit that the petitioner is a Class -III employee working as Patwari and is going to retire on 31.05.2026. The impugned recovery has been initiated at the fag end of his service, which would cause irreparable financial hardship to the petitioner. Petitioner is Class III employee and recovery from Class III employee is held to be impermissible. In support of his contention he places reliance upon the judgment passed by Hon'ble Supreme Court in the case of <u>State of Punjab v.</u>

	<u>Rafiq Masih, (2015) 4 SCC 334.</u> Learned counsel for the State submits that he will file reply to the interim application. On due consideration and considering the submissions of the counsel for the respective parties, purely as an interim measure, it is directed that the recovery pursuant to the order dated 25.03.2026 shall remain stayed till the next date of hearing. List this case after 6 weeks. Sd/- (Parth Prateem Sahu) Judge
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Madhurima