



2026:CGHC:6795



NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 3028 of 2023

1 - S.K. Singh S/o Late Shri R.L. Singh Aged About 62 Years Training Officer, Industrial Training Institute, Parpodi, District : Bemetara, Chhattisgarh

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through The Secretary Department Of Janshakti Niyojan, Mantralaya, Naya Raipur (C.G.)

2 - The Director Directorate Of Employment And Training Block-4, First Floor, Atal Nagar, Indravati Bhawan, Naya Raipur (C.G.)

3 - Joint Director Industrial Training Institutes, Regional Office, Durg Area, Durg (C.G.)

4 - The Superintendent Industrial Training Institute, Bijapur (C.G.)

... Respondents

(Cause-title taken from the Case Information System)

For Petitioner :- Ms. Pooja Sinha, Advocate on behalf of
Mr. B.P. Rao, Advocate
For State :- Mr. Ujjawal Choubey, P.L.

SB- Hon'ble Shri Justice Amitendra Kishore Prasad

Order On Board



20.04.2026

1. By way of this petition, the petitioner has assailed the legality, validity and propriety of the Official Letter No. F 19-67/Sanropra./Sthap./Gop/2022/4531 dated 23.12.2022 (Annexure P-9) and Official Letter No. F 19-67/Sanrop./Sthap./Gop/2022/166 dated 18.01.2023 (Annexure P-10), whereby the respondents have revised the date of grant of 1st Time Bound Pay Scale from 01.04.2006 to 01.04.2008 and have ordered recovery of the alleged excess amount paid to the petitioner.
2. The brief facts, as projected by the petitioner, are that the petitioner was initially appointed on 19.04.1989 as a Training Officer in the Industrial Training Institute, Bhilai, in the pay scale of Rs. 4500–7000/- and is presently posted as Training Officer at I.T.I., Parpodi, District Bemetara. Upon completion of 12 years of service, the petitioner was granted the 1st Kramonnati vide order dated 26.05.2003 w.e.f. 19.04.2001 in the higher pay scale of Rs. 5000–8000/-. Subsequently, the Kramonnati Scheme was replaced by the Time Scale of Pay (Samayman Vetanman) pursuant to official instructions dated 28.04.2008, made effective from 01.04.2006, whereby Group-C employees became entitled to the next higher pay scale upon completion of 10 years of service. In terms thereof, the petitioner was granted the 1st Time Bound Pay Scale w.e.f. 01.04.2006 vide order dated 06.11.2011 and



again reaffirmed vide office letter dated 02.12.2022, with actual financial benefit extended from 01.08.2012. However, the respondents, by the impugned letters dated 23.12.2022 and 18.01.2023, revised the effective date of the said benefit to 01.04.2008 on the ground of adverse entries in the ACR and further directed recovery of the alleged excess amount paid for the period from 01.04.2006 to 31.03.2008, which has led to the filing of the present writ petition.

3. Following reliefs have been prayed by way of this petition:-

“10.1 That, the Hon'ble Court be pleased to accept the Writ Petition and pleased to decide the Petitioners' grievance.

10.2 That, the Hon'ble Court be pleased to quash and set aside the Official Letters dated 23.12.2022 (Annexure P-9) and Official Letter dated 18.1.2023 (Annexure P-10) in the interest of justice.

10.3 That, the Hon'ble Court be pleased to pass an Order, directing the Respondents to refund the recovered amount back to the Petitioner with appropriate Interest.

10.4 Any other Order or Directions deem fit and proper may also be passed in the facts and situation of the case and in the interest of justice. ”



4. Learned counsel for the petitioner submits that the recovery in question has been initiated during the course of service and the petitioner has assailed the order dated 23.12.2022 and letter dated 18.01.2023, whereby he has been directed to refund the alleged excess amount paid to him on account of grant of 1st and 2nd Time Bound Pay Scales, on the ground that he was not entitled to the same. It is contended that the said benefits were granted to the petitioner by the department itself on completion of 10 years and 20 years of service, and the total amount sought to be recovered is Rs. 89,575/-. It is further submitted that the said payments were made as far back as 01.04.2008 and thereafter, and the petitioner had neither made any misrepresentation nor played any role in securing such benefits. The excess amount, if any, has been disbursed due to an error on the part of the respondents. Learned counsel submits that the amount has already been recovered from the petitioner, who has now retired from the post of Training Officer, which is a Class-III post. Therefore, the present petition has been filed seeking refund of the amount illegally recovered from the petitioner's account. It is argued that in view of the law laid down by the Hon'ble Supreme Court in **State of Punjab vs. Rafiq Masih (White Washer) (2015) AIR SCW 501** and **Thomas Daniel vs. State of Kerala (2022) 5 SCC 545**, recovery from a Class-III employee, particularly after a long lapse of time and in absence of any misrepresentation, is impermissible in law. Hence, the impugned orders are liable to be



quashed and the recovered amount deserves to be refunded to the petitioner along with interest.

5. Learned State counsel submits that the amount in question was disbursed to the petitioner due to incorrect fixation of pay while granting the Time Bound Pay Scale. It is contended that upon scrutiny of the records, it was found that the petitioner was not entitled to such benefit from the earlier date, and therefore, the excess payment had been made inadvertently due to wrong fixation. It is further submitted that once the error came to light, the competent authority issued the impugned order for recovery, and accordingly, the excess amount paid to the petitioner has been recovered. It is thus argued that the action of the respondents is in accordance with law and does not call for interference by this Court.
6. I have heard learned counsel for the parties and perused the material available on record.
7. The undisputed facts of the case reveal that the petitioner was granted the benefit of 1st and 2nd Time Bound Pay Scales by the competent authority on completion of the requisite period of service. The said benefits were extended by the department itself in due course and continued for a considerable period of time. It is also not in dispute that the alleged excess payment sought to be recovered pertains to a period commencing from 01.04.2006/2008



and the impugned recovery orders have been issued only in the year 2022–2023, after a lapse of several years.

8. From the record, it is evident that the petitioner has neither misrepresented any fact nor played any role in obtaining the said financial benefits. The grant of higher pay scale was a result of administrative decision taken by the respondents and any error therein is attributable solely to the department. The petitioner has also retired from service from a Class-III post. The recovery, therefore, assumes greater significance in light of the settled legal position governing recovery from such employees.
9. The Hon'ble Supreme Court in *Rafiq Masih (Supra)* has categorically held that recovery from Class-III and Class-IV employees, particularly in cases where excess payment has been made without any misrepresentation on the part of the employee and after a long lapse of time, is impermissible in law. A similar view has been reiterated in *Thomas Daniel (supra)*.
10. Applying the aforesaid principles to the facts of the present case, this Court is of the considered view that the action of the respondents in directing recovery of the alleged excess amount from the petitioner is arbitrary and unsustainable. The petitioner cannot be penalized for an error committed by the department, especially when he had no role in the fixation of his pay. Further, the recovery has already been effected from the petitioner, which, in the opinion of this Court, is contrary to the law laid down by the



Hon'ble Supreme Court and results in undue hardship to the petitioner.

11. In view of the above analysis, this Court holds that the impugned orders directing recovery are liable to be quashed, and the petitioner is entitled to refund of the amount so recovered. Accordingly, the recovery effected from the petitioner is held to be illegal and unsustainable in law. The respondents are directed to refund the amount of Rs. 89,575/- to the petitioner along with interest @ 6% per annum from the date of recovery till actual payment, within a period of **60 days** from the date of receipt of a certified copy of this order.

sd/-

(Amitendra Kishore Prasad)
Judge

Vishakha