



2026:CGHC:21466

AFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 7834 of 2022**

Smt. Draupti Chauhan W/o Late Nanhu Ram Chauhan Aged About 51 Years
R/o Village And Post Tildega, Tahsil - Pathalgaon, District - Jashpur,
Chhattisgarh. **---Petitioner**

Versus

- 1** - State Of Chhattisgarh Through Its Secretary, School Education Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur, Chhattisgarh.
- 2** - Office Of The Accountant General (Accounts And Entitlements) - Chhattisgarh Zero Point, Baloda Bazar Road, Raipur, District - Raipur, Chhattisgarh.
- 3** - District Education Officer Jashpur, District - Jashpur, Chhattisgarh.
- 4** - Block Education Officer Pathalgaon, District - Jashpur, Chhattisgarh.

--- Respondent(s)**WPS No. 1908 of 2021**

1 - Dr. Chaw Singh Patle S/o Shri Shyam Lal Patle, Aged About 69 Years
Occupation - Retd. Govt. Servant R/o. Sonkar City Bilaspur Road Mungeli,
Thana, Tahsil And District - Mungeli Chhattisgarh.

---petitioner**Versus**

- 1** - State Of Chhattisgarh Through The Secretary Health Department Mantralaya Mahanadi Bhawan Capital Complex Naya Raipur, District - Raipur Chhattisgarh., District : Raipur, Chhattisgarh
- 2** - Secretary Pension Resolution Committee, Chhattisgarh State General Administration Department, Mantralaya Mahanadi Bhawan Capital Complex, Atal Nagar, Naya Raipur, District - Raipur Chhattisgarh., District : Raipur, Chhattisgarh
- 3** - Director Health Services, Indrabati Bhawan, New Raipur, District - Raipur Chhattisgarh., District : Raipur, Chhattisgarh
- 4** - Chief Medical And Health Officer Bilaspur, District - Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh



5 - Accountant General Raipur Nidhi - 07, Office Of Account And Pension,
Zero Point Balodabajar Road Raipur, District - Raipur Chhattisgarh., District :
Raipur, Chhattisgarh
--- **Respondent(s)**

WPS No. 3546 of 2022

1 - Yashwant Kumar Shrivastava S/o Late Dwarika Prasad Shrivastava Aged
About 66 Years Retired Nma, Community Health Center Loing, District
Raigarh (C.G.), R/o House No. 22/450, Housing Board Colony, Boirdadar
Road, Raigarh, District- Raigarh (C.G.)

---**petitioner**

Versus

1 - State Of Chhattisgarh Through Secretary, Health And Family Welfare
Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur,
District- Raipur (C.G.)

2 - Chief Medical And Health Officer Raigarh, District- Raigarh (C.G.)

3 - Block Medical Officer Community Health Center Loing, District- Raigarh
(C.G.)

4 - Accountant General (Pension) Raipur, District- Raipur (C.G.)

5 - Joint Director Treasury Account And Pension, Bilaspur, District- Bilaspur
(C.G.)

--- **Respondent(s)**

WPS No. 8517 of 2022

1 - Ramsingh Kanwar S/o Baiga Ram Kanwar Aged About 73 Years Retd.
Headmaster Primary School Pahadgaon, Korba, District Korba Chhattisgarh

---**petitioner**

Versus

1 - State Of Chhattisgarh Through The Director Education Department,
Chhattisgarh Indrawati Bhawan, Atal Nagar, Naya Raipur, District Raipur
Chhattisgarh

2 - Senior Account Officer/ M. B. Cell Office Of Head Accountant General
(Account And Title) Chhattisgarh, Zero Point Baloda Bazar Road, Raipur,
District Raipur Chhattisgarh

3 - Block Education Officer Kartala, District Korba Chhattisgarh

--- **Respondent(s)**

WPS No. 4179 of 2022

1 - Kamlesh Kumar Soni S/o Late Shri Darbari Lal Soni Aged About 78 Years
R/o Old Sarkanda, Near Shivghat, Koni Road, Bilaspur, Distt. Bilaspur, Civil
And Revenue Distt. Bilaspur (C.G.)



---petitioner

Versus

- 1** - State Of Chhattisgarh Through - Secretary, School Education Department, Mahanadi Bhavan, Mantralaya, Atal Nagar, New Raipur (C.G.)
- 2** - The Director School Education Department, Indrawati Bhavan, Mantralaya, Atal Nagar, New Raipur (C.G.)
- 3** - The Accountant General Zero Point, Baloda Bazar Road, Raipur, District : Raipur, Chhattisgarh
- 4** - The District Treasury Officer Bilaspur Distt. - Bilaspur, District : Bilaspur, Chhattisgarh
- 5** - The Principal Govt. Higher Secondary School, Chapora, (Via Ratanpur), District : Bilaspur, Chhattisgarh

--- Respondent(s)

WPS No. 1262 of 2021

- 1** - Smt. Naseeba Khanam Wd/o Late Gulam Mustafa Aged About 52 Years R/o Navagarh Near Power House Ambikapur, Police Station Ambikapur, District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---petitioner

Versus

- 1** - State Of Chhattisgarh Through The Secretary, Education Department, Mahanadi Bhawan, Mantralaya, Raipur Chhattisgarh, District : Raipur, Chhattisgarh
- 2** - Accountant General Chhattisgarh Raipur Office Of The Accountant General Zero Point, Viahansabha Road Raipur Chhattisgarh, District : Raipur, Chhattisgarh
- 3** - The District Education Officer Surguja Ambikapur, District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh
- 4** - The Block Education Officer Udaypur, District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh
- 5** - The Divisional Joint Direct Treasury, Account And Pension Ambikapur Surguja Division District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

--- Respondent(s)

**WPS No. 3811 of 2021**

1 - Devkishan Tiwari S/o Late B. P. Tiwari Aged About 75 Years (Retired Upper Divisional Teacher) R/o Munhsi Ismile Ward, Infront Of Godridham, Bhatapara, District - Balodabazaar - Bhatapara, Chhattisgarh.

---petitioner

Versus

1 - State Of Chhattisgarh Through - Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District Raipur, Chhattisgarh.

2 - Accountant General, Chhattisgarh Through Senior Accounts Officer Nidhi -2, Accountant General Officer (Accounts And Entitlement), Zero Point, Baloda Bazar Road, Post Office Vidhan Sabha, Raipur, Chhattisgarh.

3 - Principal Government Shivilal Mehta Higher Secondary School Bhatapara, District Balodabazaar-Bhatapara, Chhattisgarh.

--- Respondent(s)

For respective petitioners	:	Mr. Manoj K. Sinha, Advocate Mr. Varun Sharma, Advocate Mr. Love Kumar Ramteke, Advocate Mr. Malay Shrivastava, Advocate Mr. Sumit Shrivastava, Advocate Ms. Soniya Kuldeep, Advocate Mr. Shubham Tripathi, Advocate
For respective Respondent(s)	:	Mr. Rajkumar Gupta, Advocate Mr. Keshav Prasad Gupta, Government Advocate

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

07/05/2026

1. In these petitions, the petitioners are retired Government servants and legal representatives of deceased Government servants. Their particulars are provided in the chart below:-

Sl No.	Case Number	Date of superannuation	Date of recovery order
1.	WPS No. 1908	31.10.2017	15.02.2021



	of 2021		
2.	WPS No.3811 of 2021	31.12.2008	16.04.2018 & 29.06.2020
3.	WPS No.3546 of 2022	30.06.2018	22.12.2020 & 15.07.2021
4.	WPS No.4179 of 2022	31.10.2004	26.04.2022
5.	WPS No.7834 of 2022	The husband of the petitioner, who was posted as Assistant Teacher, died on 08.04.2021. Thereafter, on 19.08.2021, the petitioner submitted an application for the final payment of the GPF amount.	08.10.2021 & 07.10.2022
6.	WPS No. 8517 of 2022	30.06.2011	22.09.2022
7.	WPS No.1262 of 2021	Husband of the petitioner died on 19.01.2020 prior to his retirement.	31.07.2020

2. Learned counsel appearing for the respective petitioners would submit that the orders of recovery were issued by the respondent authorities after the petitioners attained the age of superannuation, inter alia, on the ground that during their service tenure, they had withdrawn part of the GPF amount. They would further submit that the orders of recovery have been passed against the petitioners in contravention of the provisions of Rules 65 and 66 of the Chhattisgarh Civil Services (Pension) Rules, 1976 (for short, Pension Rules, 1976). They would also submit that during their service tenure, the petitioners were never served with any notice of recovery and, after retirement, the impugned



orders have been passed without affording them an opportunity of hearing. They would place reliance on the order passed by the co-ordinate Bench in the matter of ***Dharmu Ram Mandavi v. State of Chhattisgarh and ors.*** (WPS No. 2617 of 2013, dated 02.09.2024.

3. On the other hand, learned counsel appearing for the respondents would oppose the submissions made on behalf of the petitioners and submit that the petitioners were aware of the fact that they had withdrawn amounts in excess of their entitlement from their GPF accounts, but they never communicated this fact to the department. They would argue that after retirement, office of the Accountant General verified the GPF accounts of the petitioners, wherein it was found that they have withdrawn amounts in excess of their entitlement from their GPF accounts and, therefore, orders of recovery were issued.

They would contend that according to Rule 14(7) of the Chhattisgarh General Provident Fund Rules, 1955, in case a subscriber is found to have drawn from the fund an amount in excess of the amount standing to his credit on the date of withdrawal, the overdrawn amount shall be repaid by him along with interest thereon in one lump sum, and in default thereof, the amount shall carry interest at the rate of 2.5% per annum. They would further argue that the impugned orders have been passed in accordance with Rule 14(7) of the Chhattisgarh General Provident Fund Rules, 1955 (for short, CG GPF Rules, 1955); thus, these petitions deserve to be dismissed.

4. Heard learned counsel for the parties and perused the documents placed on file.
5. Admittedly, Government servants retired from service after attaining the age of superannuation, and at the time of their retirement no claim was raised by the respective departments in terms of sub-rule (3)(a) of



Rule 66 of the Pension Rules, 1976, which provides that efforts should be made to assess and adjust the recoverable Government dues within a period not exceeding six months from the date of retirement of the Government servant. If no claim on Government account is made against the Government servant within such period, it shall be presumed that no Government claim, excluding claims relating to house rent and water charges, is outstanding against him.

6. The Sub Rule 7 of Rule 14 of the CG General Provident Fund Rules, 1955 reads as under:-

“(7). In case a subscriber is found to have drawn from the fund an amount in excess of the amount standing to his credit on the date of the drawal, the overdrawn amount, irrespective of whether the overdrawal occurred in the course of an advance or a withdrawal or the final payment from the fund, shall be repaid by him with interest thereon, in one lump-sum, or in default, be ordered to be recovered, by deduction in one lump-sum, from the emoluments of the subscriber. If the total amount to be recovered is more than half of the subscriber’s emoluments, recoveries shall be made in monthly instalments of moieties of his emoluments till the entire amount together with interest, is recovered. From this rule, the rate of interest to be charged on overdrawn amount would be 2-1/2% over and above the normal rate of Provident Fund balances under sub-rule (1). The interest realised on the overdrawn amount shall be credited to Government account under a distinct sub-head “Interest on overdrawal from Provident Fund.”

7. Perusal of the sub Rule 7 of Rule 14 would make it clear that if a subscriber withdraws more money from the Provident Fund than the amount actually available in their account, the excess amount must be repaid along with interest. The repayment can be made in one lump sum, and if the subscriber fails to repay, the amount will be recovered from their salary.
8. At this stage, it would be appropriate to refer to the provisions



contained in Rules 65 & 66 of the Pension Rules of 1976, which state as under: -

"65. Recovery and adjustment of Government dues.-

(1) It shall be the duty of every retiring Government servant to clear all Government dues before the date of his retirement.

(2) Where a retiring Government servant does not clear the Government dues and such dues are ascertainable:-

(a) an equivalent cash deposit may be taken from him, or

(b) out of the gratuity payable to him, his nominee or legal heir, an amount equal to that recoverable on account of ascertainable Government dues shall be deducted.

Explanation.- The expression 'ascertainable Government dues' includes balance of house building or conveyance advance, arrears of rent and other charges pertaining to occupation of Government accommodation, over-payment of pay and allowances and arrears of income-tax deductible at source under the Income Tax Act, 1961 (No. 43 of 1961).

66. Furnishing of surety by retiring Government servant.- **(1) (a)** If any of the Government dues (other than those referred to in Rule 65) remain unrealised and unassessed for any reasons, the retiring Government servant may be asked to furnish in Form 8 a surety of a suitable permanent Government servant, holding a pensionable post.

(b) If the surety furnished by him is found acceptable, the grant of his pension and gratuity shall not be delayed.

2) (a) If the retiring Government servant is unable or unwilling to furnish a surety, a suitable cash



deposit may be taken from him, or such portion of gratuity payable to him, as may be considered sufficient may be held over till the outstanding dues are assessed and adjusted.

(b) The cash deposit to be taken or the amount of gratuity to be withheld shall not exceed the estimated amount of the outstanding dues plus twenty-five per cent thereof.

(c) Where it is not possible to estimate the approximate amount recoverable from the retiring Government servant the amount of deposit to be taken or the portion of gratuity to be withheld shall be limited to ten per cent of the amount of gratuity or one thousand rupees, whichever is less.

(3) (a) Efforts shall be made to assess and adjust the recoverable Government dues within a period not exceeding 6 months from the date of retirement of the Government servant and, if no claim is made on Government account against the Government servant within such a period, it shall be presumed that no Government claim excluding claim of house rent and water charges is outstanding against him.

(b) The Government dues as assessed shall be adjusted against the cash deposit or the amount withheld from the gratuity and the balance, if any, shall be released to the retired Government servant after the expiry of the period referred to in clause (a).

(c) Where a pensioner has furnished a surety, the surety shall be released after the expiry of the period referred to in clause (a), provided that dues assessed up to that time have been recovered.

(4) The Government dues which remain unrealised within the period referred to in clause (a) of sub-rule



(3) and such other dues, the claim for which is received after that period, shall be recoverable from the retired Government servant through legal procedure :

Provided that in respect of house rent and water charges, the amount, if any, the claim for which is received after the period of 12 months from the date of retirement of the Government servant shall not be recoverable from the retired Government servant.”

9. A careful perusal of the above-quoted provisions would show that recoverable Government dues shall be adjusted within a period of six months from the date of retirement and if no claim is made within that period, it shall be presumed that no Government claim is outstanding against him excluding water charges and house rent, and the amount of water charges and house rent shall be recovered within a period of one year from the date of retirement and thereafter, for such recovery, legal procedure has to be adopted. As such, Rules 65 & 66 of the Pension Rules of 1976 do not empower the State and its authorities to make any recovery of Government dues from pension/gratuity after expiry of six months/one year as per Rules 65 & 66 of the Pension Rules of 1976.
10. As such, the provisions contained in Rules 65 & 66 of the Pension Rules of 1976 would show that they provide for recovery of Government dues and do not empower the State or its functionaries to make any adjustment of Government dues from pension/gratuity after expiry of 6 months as per sub-rule (3)(a) of Rule 66 of the Pension Rules of 1976 and water charges & house rent after a period of one year as provided in the proviso to Rule 66(4) of the Pension Rules of 1976.
11. The conjoint reading of both provisions would make it clear that if a government servant has drawn an amount in excess of the amount



credited to his account, such amount shall be repaid by such government servant, provided a claim has been made by the department within six months from the date of retirement. If no such claim is made, it shall be presumed that no government claim was outstanding against the government servant on or after the date of retirement.

12. The Co-ordinate Bench, in the matter of ***Dharmu Ram Mandavi (supra)***, while dealing with the provisions of Rules 65 and 66 of the Rules, 1976, held that Rules 65 and 66 of the Pension Rules, 1976 provide a procedure for recovery of Government dues and do not authorize the State or its authorities to adjust or recover such dues from pension or gratuity after the expiry of six months under Rule 66(3)(a), or water charges and house rent after one year as prescribed in the proviso to Rule 66(4). The relevant paragraph 14 of the judgment is reproduced as under :—

“14. As such, the provisions contained in Rules 65 & 66 of the Pension Rules of 1976 would show that they provide for recovery of Government dues and do not empower the State or its functionaries to make any adjustment of Government dues from pension/gratuity after expiry of 6 months as per sub-rule (3)(a) of Rule 66 of the Pension Rules of 1976 and water charges & house rent after a period of one year as provided in the proviso to Rule 66(4) of the Pension Rules of 1976.”

13. Taking into consideration the above discussed facts & law, particularly the provisions of Rules 65 and 66 of the Rules, 1976 and Rule 14(7) of the Rules, 1955, I have no hesitation in holding that the claims were made by the department after retirement and no claims were made by the department within a period of six months from the date of retirement of the government servants; thus the orders of recovery are not sustainable in the eyes of law; therefore, the orders of recovery are hereby **quashed**.



14. The amount, if any, recovered from the petitioners shall be refunded forthwith with interest at the rate of 5% per annum.
15. Accordingly, the petitions are hereby **allowed**. No order as to cost.

Sd/-

Rakesh Mohan Pandey

JUDGE

Nadim