



2026:CGHC:12434

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 3362 of 2020**

Umesh Pathak S/o Late K. G. Pathak, Aged About 62 Years Professor Colony, Parshuram Nagar, H. No. 1932/65, Civil And Revenue District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

--- Petitioner**Versus**

1 - State Of Chhattisgarh, Through The Secretary, Directorate Of Higher Education Block - 3, 2nd And 3rd Floor, Indrawati Bhavan, New Raipur, Atal Nagar, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

2 - The Joint Director, Directorate Of Higher Education, Indravati Bhawan, Naya Raipur District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

3 - The Commissioner, Directorate Of Higher Education, Indravati Bhawan, Naya Raipur District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

4 - Divisional Joint Director, Treasury, Accounts And Pension, Directorate Of Higher Education, Indravati Bhawan, Naya Raipur District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

--- Respondents**WITH****WPS No. 3439 of 2020**

Umesh Pathak S/o Late K. G. Pathak, Aged About 62 Years Professor Colony, Parshuram Nagar, H.No. 1932 / 65, Civil And Revenue District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---Petitioner**Versus**

1 - State Of Chhattisgarh, Through The Secretary, Directorate Of Higher Education Block - 3, 2nd And 3rd Floor, Indrawati Bhavan, New Raipur, Atal Nagar, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

2 - The Joint Director, Directorate Of Higher Education, Indravati Bhawan, Naya Raipur District Raipur Chhattisgarh., District : Raipur, Chhattisgarh



3 - The Commissioner, Directorate Of Higher Education, Indravati Bhawan, Naya Raipur District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

4 - Divisional Joint Director, Treasury, Accounts And Pension, Directorate Of Higher Education, Indravati Bhawan, Naya Raipur District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

--- Respondents

[Cause-title taken from Case Information System (CIS)]

For Petitioner	:	Mr. Ashwarya Diwan, Advocate.
For Respondents	:	Dr. S.K. Dewangan, Panel Lawyer

Single Bench: Hon'ble Shri Justice Sanjay K. Agrawal
(Order on Board)

16.03.2026

1. Regard being had to the similitude of the questions of fact and law involved and on the joint request of learned counsel for the parties, both these writ petition are clubbed together, heard together and being disposed of by this common order.

2. In WPS-3362-2020, the petitioner is aggrieved by the action of the respondents with regard to non-payment of pension and retiral dues, whereas in WPS-3439-2020 he has challenged order dated 13.07.2020, whereby an amount of Rs.1,56,865/- has been directed to be recovered from the retiral dues of the petitioner.

3. Learned counsel for the petitioner submits that petitioner retired from the post of Accountant Grade-I on 31.08.2019, however, till date his retiral dues and pension has not been settled and, instead, order of recovery dated 13.07.2020 has been passed that too without any enquiry or giving any opportunity of hearing to the petitioner. Therefore, the same is liable to be set aside.

4. On the other hand, learned counsel for the respondents supported the impugned order of recovery by opposing the submission



and contention of the petitioner and prays for dismissal of this petition.

5. I have heard learned counsel for the parties, considered their rival submissions made herein above and went through the record with utmost circumspection.

6. In the case at hand, a careful perusal of the record would show that impugned order of recovery dt. 13.07.2020 has been passed without affording any opportunity of hearing to the petitioner and after retirement of the petitioner on 31.08.2019 he has not been paid pension and retiral dues till date and the matter involves civil consequences, therefore, the impugned order of recovery dated 13.07.2020 is hereby set aside. The respondent No.02, i.e. Joint Director, Directorate of Higher Education, Raipur, is directed to consider the matter afresh after providing opportunity of hearing to the petitioner and issuing notice to him as well in accordance with law by passing a reasoned and speaking order within 03 months from the date of certified copy of this order. Thereafter, the question of grant of regular monthly pension to the petitioner shall also be considered by the respondents concerned.

7. Accordingly, both the writ petition stands **allowed** to the extent indicated hereinabove. No cost.

sd/-

(Sanjay K. Agrawal)
Judge