



2026:CGHC:12894

WPS No. 610 of 2020 & WPS No.4794 of 2020



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 610 of 2020

- Jageshwari Sori W/o Late Rupdhar Sori, Aged About 40 Years, Resident of Quarter No. 40, RES Colony, Kondagaon, District Kondagaon, Chhattisgarh.

--- Petitioner

versus

1. State Of Chhattisgarh Through Secretary Department Of Home, Mahanadi Bhawan, Mantralaya New Raipur, District Raipur Chhattisgarh.
2. Assistant General Manager State Bank Of India Centralized Pension Processing Cell Behind Working Women Hostel Govindpura , Bhopal Madhya Pradesh 462023.
3. Branch Manager, Branch Office Kondagaon, District Kondagaon Chhattisgarh.

--- Respondents

For Petitioner	:-	Mr. Vinod Kumar Sharma, Advocate, on behalf of Mr. Ajay Shrivastava, Advocate.
For State	:-	Mr. Amit Buxy, Dy. Government Advocate.
For Respondents No.2 & 3	:-	Mr. P. R. Patankar, Advocate.

WPS No. 4794 of 2020

- Smt. Anita Thakur W/o Late Thaman Singh Thakur, R/o Q.No.- 36/4 New Police Line, 18 Acre, Rajnandgaon, District- Rajnandgaon (Chhattisgarh).



---Petitioner

versus

1. State Of Chhattisgarh Through- Its Secretary, Department Of Home, Mantralaya, Mahanadi Bhawan, Nawa Raipur, Atal Nagar, Raipur, Chhattisgarh.
2. Superintendent Of Police, District- Rajnandgaon (Chhattisgarh).
3. The Joint Director Pension, Treasury And Account, Durg Division, Durg (Chhattisgarh).
4. The District Treasury Officer, District- Rajnandgaon (Chhattisgarh).
5. The Assistant General Manager, State Bank Of India, Centralized Pension Processing Cell, Behind Working Women Hostel, Govindpura, Bhopal (Madhya Pradesh).
6. The Branch Manager, State Bank Of India, Govt. Business Branch, Jai Stambh Chowk, Raipur, District- Raipur (Chhattisgarh).
7. The Branch Manager, State Bank Of India, Branch- Collectorate, Rajnandgaon, District- Rajnandgaon (Chhattisgarh).

--- Respondents

For Petitioner	:-	Ms. Juhi Anguriya, Advocate, on behalf of Mr. Rajesh Kumar Kesharwani, Advocate.
For State	:-	Mr. Amit Buxy, Dy. Government Advocate.
For Respondents No.5 to 7	:-	Mr. P. R. Patankar, Advocate.

SB- Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****18.03.2026**

1. The petitioners are the widows of Police Constables, who lost their husbands during Naxalite operations, preferred these two writ petitions against orders Annexure P/1 in both the matters,



by which excess payment of dearness allowance along with pension was paid to the petitioners, is directed to be recovered.

2. Learned counsel for the petitioners would submit that the order of recovery is totally unjustified as there was no misrepresentation or fraud on the part of the petitioners and even no opportunity of hearing was given to the petitioner before starting recovery of the amount, therefore, the recovery order deserves to be quashed.
3. On the other hand, learned counsel for the respondents, would oppose the prayer made by learned counsels for the petitioners and submit that though the excess payment has been made in the extraordinary pension to the petitioners, but they were not entitled to dearness allowance and, therefore, the instant writ petition deserves to be dismissed.
4. I have heard learned counsel for the parties, considered their rival submission made herein-above and gone through the records minutely.
5. Admittedly, the petitioners herein are the widows of the deceased Constables, who lost their lives in naxalite operation and also there was no misrepresentation or fraud made by the petitioners and further the dearness allowance was wrongly fixed



by the respondent / bank itself and, therefore, the petitioners cannot be made responsible for the aforesaid mistake and they cannot be penalized. Similar view has been taken by this Court in the matter of **Smt. Dileshwari Yadav v. State of Chattisgarh and Ors.**¹

6. In view of the above discussion, the impugned orders in both the matters (Annexre P/1) are hereby quashed. Accordingly, the instant writ petitions are allowed.

Sd/-
(Sanjay K. Agrawal)
Judge

Ankit

1. WPS No.6883/2018; decided on 26.08.2025