

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WPS No. 6106 of 2023

Divya Tigga **Versus** State Of Chhattisgarh and others

05.09.2023	Mr. Akash Kumar Kundu, Counsel for the petitioner. Mr. R.K. Bhagat, Dy. G.A. for the State. Heard on admission as well as I.A. No. 01, application for grant of stay. Learned counsel for the petitioner submits that the petitioner was working as Assistant Nursing Superintendent and her initial appointment was of the year 2003. He submits that the petitioner got advanced three increments in the year 2003 itself and suddenly the respondent authorities issued a recovery order vide Annexure P/1 dated 25.05.2023 for recovery of the amount which has been paid to her by the State treating as excess payment. It is submitted that the recovery order issued by the respondent authorities is against the law laid down by the Hon'ble Supreme Court in the matter of <u>State of Punjab vs. Rafiq Masih (White Washer)</u> reported in <u>2015 (4) SCC 334</u> and <u>Thomas Daniel vs. State of Kerala, Civil Appeal No. 7115/2010, decided on 02.05.2022</u> wherein the Hon'ble Supreme Court has considered and stayed the recovery proceedings. In the light of aforesaid judgments of Hon'ble Supreme Court, the recovery so far as it relates to the petitioner shall remain stayed till the next

date of hearing.

List this case after four weeks along with WPS No. 5208/2023.

Meanwhile, State counsel is directed to file reply and counter affidavit.

sd/-

(Arvind Singh Chandel)
Judge

Vishakha