



2026:CGHC:33199

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WPS No.6799 of 2022Valsa Lovely & ors **Versus** State of CG

31/10/2022	Mr. Akash Kumar Kundu, Advocates for petitioners. Mr. Ravi Bhagat, Government Advocate for the State. Heard. Issue notice to respondents. Learned State Counsel accepts notice on behalf of respondents, hence, process fee is not required to be paid for issuance of notice to respondents. He prays for and is granted three weeks' time to file reply to writ petition. Also heard on I.A. No.1/2022, application for grant of interim relief. Learned counsel for petitioner would submit that petitioners are working under the Health Department. Petitioners being Diploma/Degree holders Staff Nurses were granted benefit of advance increments in view of Circular dated 11.9.1985. By virtue of order dated 5.8.2014, benefit of advance increments granted in terms of Circular dated 11.9.1985 to Staff Nurses appointed after 01.01.1986 was withdrawn and direction was issued for recovery of amount of



advance increments which has already been paid to such employees. Pursuant to the order dated 5.8.2014, respondent No.3 issued impugned notice to petitioners for recovery of amount of advance increment already paid to them, which is contrary to decision of Hon'ble Supreme Court in case of **State of Punjab vs. Rafiq Masih**, reported in **AIR 2015 SC 696**.

Learned State Counsel would submit that petitioners were not entitled for benefit of advance increments, which was mistakenly extended to them, and therefore, order of recovery of amount of advance increments paid to petitioners has been issued.

Considering submissions of learned counsel for parties and in light of decision of Hon'ble Supreme Court in case of Rafiq Masih (supra), it is directed that till next date of hearing, no coercive steps shall be taken against petitioners for recovery of amount pursuant to letters (Annexure P-1).

List the matter after two weeks.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge