



HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 6264 of 2024

1 - Satanand Sahu S/o Late Shri Budhram Sahu Aged About 63 Years R/o Village Ganiyari, Near Rajit Mata Chowk, Post Ganiyari, Block Takhatpur, District Bilaspur Chhattisgarh

... Petitioners

Versus

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

2 - Deputy Director Directorate School Education Department, Indrawati Bhawan, Nava Raipur, District – Raipur, Chhattisgarh

3 - Joint Director Department Of Treasury Accounts And Pension Bilaspur Division, District–Bilaspur, Chhattisgarh

4-District Education Officer Bilaspur District Bilaspur Chhattisgarh

5 - Block Education Officer Takhatpur, District Bilaspur Chhattisgarh

... Respondents

04/10/2024	Mr. Vivek Verma, Advocate for the Petitioner. Ms. Akanksha Verma Dabhadker, Panel Lawyer for the Respondents/State. Heard on admission.

Dey	Issue notice to respondents. Mr. Akanksha Verma Dabhadker, Panel lawyer accepts notice on behalf of the Respondents/State. Hence, no process fee is required to be paid for issuance of notice to this Respondents. Also heard on I.A. No. 01/2024 which is an application for grant of interim relief. Learned counsel for the petitioner submits that pursuant to the order passed by the High Court, petitioner was extended the benefit of advance increment. Petitioner stood retired from service on 30.06.2024. After his retirement, the letter dated 03.09.2024 (Annexure P/1) was issued for adjusting the amount of Rs. 2,53,805/- on the ground that excess payment has been made to the petitioner. He submits that Hon'ble Supreme Court in the case of <i>State of Punjab and others Vs. Rafiq Masih and others reported in (2015) 2 SCC (L&S) 33</i> has held that recovery of excess payment from Class III employee is not permissible. I have heard learned counsel for the parties. Taking into consideration the submission of the learned counsel for the parties, facts and circumstances of the case as also, nature of grievance raised, purely as an interim measure, it is directed that the recovery from the petitioner pursuant to the letter dated 03.09.2024 (Annexure P/1) shall remain stayed till the next date of hearing. Sd/- (Parth Prateem Sahu) Judge
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