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HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 8009 of 2022

Laxmi Narayan Tiwari S/o Late Shri Hanuman Prasad Tiwari Aged About 73 Years
R/o - Ward No.-7, Behind Police Station, Pamgarh, Tahsil And Police Station -
Pamgarh, Distt. - Janjgir-Champa (C.G.)

---- Petitioner

Versus

1. State Of Chhattisgarh Through - Its Secretary, Department Of School Education, Mahanadi Bhawan, Mantralaya, Police Station And Post - Rakhi, Atal Nagar, Nawa Raipur, District - Raipur (C.G.)
2. Director Office Of Director, Department Of School Education, Indravati Bhawan, Police Station And Post-Rakhi, Atal Nagar, Nawa Raipur, Distt. - Raipur (C.G.)
3. Head Accountant General (Lekha And Haqdaari) Office Of Head Accountant General (Lekha And Haqdaari), Zero Point, Balodabazar Road, Raipur, Distt. - Raipur (C.G.)
4. Senior Account Officer/M.B. Cell Officer Of Head Accountant General (Lekha And Haqdaari), Cg Zero Point, Balodabazar Road, Raipur, Distt. - Raipur (C.G.)
5. District Education Officer (DEO) Office Of District Education Officer, Janjgir-Champa, Distt. - Janjgir - Champa (C.G.)

---- Respondents

29/11/2022	Mr. Abhishek Pandey and Mr. Ghanshyam Sharma, counsel for the petitioner. Mr. Sandeep Dubey, Dy. A.G. for the State/respondents No. 1, 2 & 5.



	Ms. Poonam Singh, counsel for respondents No. 3 & 4. Heard. Issue notice to respondents. Ms. Sandeep Dubey, Dy.A.G. and Ms. Poonam Singh, Advocate appearing on advance copy for respective respondents, accept notice. Hence, process fee for issuance of notice to respondents is not required to be paid. They pray for and are granted 3 weeks time to file reply to writ petition. Also heard on IA No.1, which is an application for grant of interim relief. Learned counsel for the petitioner submits that petitioner stood retired from the post of Lecturer on 31.01.2011. One recovery order was issued to the petitioner by the office of Accountant General showing minus balance to Rs.46,716/- and that was recovered from the dues payable to the petitioner. After lapse of about 11 years, respondents No.3 & 4 had again issued the notice mentioning the minus balance of Rs.7,66,002/- which is <i>per se</i> illegal. He also submits that recovery of the amount as mentioned in Annexure P-4 dated 27.05.2022 after lapse of 11 years of retirement of the petitioner is not permissible in view of decisions of Hon'ble Supreme Court in the case of State of Punjab and ors. Vs. Rafiq Masih (White Washer) and ors., (2015) 4 SCC 334 and Thomas Daniel Vs. State of Kerala (AIR 2022 SC 2153). Taking into consideration the facts and circumstances of the case, submission of learned counsel for the petitioner as also documents placed on record, purely as an interim measure, it is directed that effect and operation of the impugned order dated 27.05.2022 (Annexure P-4) shall remain stayed till the next date of
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Praveen	hearing. List this case in the week commencing 23rd January 2023. Certified copy as per rules. Sd/- (Parth Prateem Sahu) Judge
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