



NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 6766 of 2024

Yogeshwar Singh Kshatriya S/o Late Shri Phool Chand Kshatriya Aged
About 62 Years R/o Ward No. 02, Kailash Nagar, Takhatpur, Distt -
Bilaspur Chhattisgarh

... Petitioner

versus

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

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

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

4 - District Education Officer Bilaspur, Distt - Bilaspur Chhattisgarh

**5 - Block Education Officer Takhatpur, Distt - Bilaspur Chhattisgarh****... Respondents**

21/10/2024	Mr. H.S. Ahluwalia, counsel for the petitioner. Mr. Rishabh Bisen, Panel Lawyer. Heard on admission. Issue notice to respondents. Mr. Rishabh Bisen, Panel Lawyer accepts notice for respondents. Hence, PF is not required to be paid for issuance of notice to respondents. He prays for and is granted four weeks time to file reply. Also heard on IA No.1, application for grant of stay/interim relief. Learned counsel for the petitioner submits that in PPO (Annexure P-1) issued to the petitioner after his retirement there is mention that recovery will be made of Rs.82,260/- on account of excess payment made to the petitioner. He contended that petitioner along with others were granted the second time scale pay which was stated to be erroneous at later point of time. He contended that in view of decision 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, recovery of the excess payment from retired employee is not permissible. On due consideration of the submission made by learned counsel for the respective parties, purely as an interim measure, it is directed that no recovery as mentioned in the letter Annexure P-1 shall be made from the petitioner if



already not made, till the next date of hearing.

List this case after four weeks.

Sd/-

(Parth Prateem Sahu)

Judge

Praveen