



HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 9948 of 2025

1 - Balkrishna Tiwari S/o Late Dr. J.C. Tiwary Aged About 62 Years Reader Grade- I, Commercial Court (District Judge Level) Naya Raipur, Atal Nagar, District- Raipur (C.G.)

... **Petitioner(s)**

versus

1 - State Of Chhattisgarh Through- Principal Secretary, Government Of Chhattisgarh, Law And Legislative Affairs Department, Mahanadi Bhawan, Mantralaya, Nava Raipur, Atal Nagar, Raipur (C.G.)

2 - The Registrar General Honble High Court Of Chhattisgarh, Bodri Bilaspur District Bilaspur (C.G.)

3 - The Principal District And Sessions Judge Balodabazar District- Balodabazar-Bhatapara (C.G.)

4 - Judge Commercial Court (District Judge Level), Naya Raipur, Atal Nagar District Raipur (C.G.)

5 - Joint Director Treasury Accounts And Pension, City Treasury, Nagar Ghadi Chowk, Raipur (C.G.)

6 - Kailash Sahu The Then A.S.A- Accounts And Pension City Treasury, Nagar



Ghadi Chowk, Raipur, (C.G.) At Present A.S.A.- Pension Shakha, District Treasury, Durg (C.G.)

... Respondent(s)

Order Sheet

25/08/2025	Mr.Pawan Kesharwani, Advocate along with Ms. Aditi Diwan, learned counsel for the Petitioner. Mr. Suyashdhar Badgaiya, Dy. Govt. Advocate for the Respondent No. 1 and 5/ State. Mr. Dhiraj Wankhede, learned counsel for the Respondent No. 2 to 4. Issue notice to the Respondent No. 6 on payment of process fee as per rules. Learned counsel for the respective respondents prays for and is granted 04 weeks' time to file reply in the matter. Also heard on I.A. No. 01/2025 which is an application for grant of interim relief. Learned counsel for the petitioner would submit that the petitioner is presently working as Reader Grade-I and posted at Commercial Court, Raipur, is going to be retired on 30.09.2025. On 02.08.2025, an order of recovery of Rs. 2,22,603/- has been issued against him for wrong fixation of pay scale from October, 2013 to May, 2019. He would also submit that as per the



judgment passed by Hon'ble Supreme Court in the matter of State of Punjab & Others Vs. Rafiq Masih & Others reported in (2015) 4 SCC 334, the recovery cannot be made from the employee who is going to be retired within one year from the date of issuance of notice. He would also submit that he is not at any fault in fixation of his pay scale and benefit was provide since 2013 till date and therefore, the impugned order of recovery may be stayed.

Considering the submission made by learned counsel for the petitioner, purely as an interim measure, the effect and operation of the order dated 02.08.2025 (Annexure-P/1) with respect to the recovery from the petitioner and order dated 12.08.2025 annexed at Page No. 21 of the petitioner shall remain stayed till the next date of hearing.

List this case after 04 weeks.

Sd/-

(Ravindra Kumar Agrawal)
Judge