



HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WPS No. 1055 of 2023

Laxman Das Manikpuri S/o Shri M.D. Manikpuri Aged About 64 Years R/o Kabir Sadan, River View Colony, Koni, District Bilaspur Chhattisgarh

---- **Petitioners**

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Skill Development, Skill Education And Employment, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh
2. Principal Government ITI College, Koni, Bilaspur District Bilaspur Chhattisgarh
3. Principal Government ITI College Masturi, District Bilaspur Chhattisgarh
4. Deputy Director Treasury Accounts And Pension, Bilaspur Division, District Bilaspur Chhattisgarh
5. Divisional Joint Director Treasury Accounts And Pension, Bilaspur Division, District Bilaspur Chhattisgarh

---- **Respondents**

06.02.2023	<p>Mr. Sangharsh Pandey, counsel for petitioner.</p> <p>Ms. Hamida Siddiqui, Dy.A.G. for State-respondents.</p> <p>Heard.</p> <p>Issue notice to the respondents.</p> <p>Ms. Siddiqui accepts notice on behalf of respondents/State. Hence PF is not required to be paid. She</p>



prays for and is granted three weeks' time to file reply.

Also heard on I.A. No.1 , application for grant of interim relief.

Learned counsel for petitioner submits that petitioner stood retired from the post of Assistant Grade-I on 29.02.2020. Letter (Annexure P-1) was issued after about one year and nine months from the date of retirement i.e. 08.12.2022 directing for recovery of Rs.1,15,760/- on the ground of excess payment. He contended that petitioner is Class-III employee and in view of decision in case of **State of Punjab Vs. Rafiq Masih, reported in (2015) 4 SCC 334** recovery of excess payment is not permissible after retirement. He also contended that respondents have not disbursed the amount of gratuity and submits that a direction be issued to respondents to disburse the undisputed retiral benefits to petitioner.

Considering the submission of learned counsel for petitioner as also Annexure P-1 which is letter dated 08.12.2022, for recovery of excess amount made to petitioner after his retirement, purely as an interim measure, it is directed that effect and operation of Annexure P-1 shall remain stayed, till the next date of hearing. The respondents are further directed to release the undisputed retiral benefits to petitioner expeditiously.

Sd/-
(Parth Prateem Sahu)
Judge