



HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WPS No. 3883 of 2023

Suresh Kumar Chhatri S/o. Late Shri D.M. Chhatri, Aged About 62 Years R/o. Flat No. F/504, Wallfort Heights, Bhatagaon, Ring Road No. 1, Raipur, P.S.- Purani Basti, Tahsil And District Raipur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, Department Of Home/police Station And Post - Rakhi, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh
2. Director General Of Police (DGP), Police Head Quarter (PHQ), Sector -19, Police Station And Post - Rakhi, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh
3. Inspector General Of Police (IGP), O/o Inspector, General Of Police, Shankar Nagar, Raipur Range, District Raipur Chhattisgarh
4. Divisional Joint Director, O/o. Divisional Joint Director, Treasury - Accounts And Pension, Raipur Division, District Raipur Chhattisgarh
5. Deputy Inspector General Of Police (DIGP)/Senior Superintendent Of Police (Seni, Sp), O/o. DIGP And Senior SP, Raipur, District Raipur Chhattisgarh

---- Respondents

26.06.2023	Mr. Abhishek Pandey, counsel for petitioner. Mr. R.K. Bhagat, Dy.G.A. for State-respondents. Heard. Issue notice to respondents. Learned State counsel accepts notice on behalf of respondents, hence, process fee is not required to be paid for those respondents. He prays and is granted four 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 is Class-III employee and is at the verge of retirement. Petitioner is due to retire on 30.06.2023. Respondents/departments have recalculated



the salary based on fixation from 28.01.1987 and calculated that excess payment of Rs.3,65,584/- has been paid to petitioner and order Annexure P-4 is issued for recovery of the same. Petitioner is Class-III employee and therefore, in view of decision **State of Punjab Vs. Rafiq Masih**, reported in **(2015) 4 SCC 334** and **Thomas Daniel Vs. State of Kerala & Ors (Civil Appeal No. 7115 of 2010, decided on 2nd May, 2022)**, recovery is not permissible.

Considering the facts and circumstances of the case, the submission of learned counsel for petitioner, purely as an interim measure it is directed that the impugned order dated 18.05.2023 (Annexure P-4) shall remain stayed, till the next date of hearing.

List this case after four weeks.

Sd/-
(Parth Prateem Sahu)
Judge

Balram

