



2026:CGHC:22212

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 4065 of 2026**

Darshan Singh Keshkar S/o Shri G.P. Keshkar, Aged About 55 Years  
R/o Police Wireless Colony Quarter No. -7/24, In Front Of Nirmal  
School, Jagdalpur, Tehsil And P.S. Jagdalpur, District Bastar C.G.

**... Petitioner(s)****versus**

**1** - State Of Chhattisgarh Through- Is Secretary, Department Of  
Home / Police Mahanadi Bhawan Mantralay, Police Station And Post  
Rakhi Atal Nagar Nawa Raipur District Raipur C.G.

**2** - Divisional Joint Director O/o Divisional Joint Director Treasury  
Account And Pension, Durg Division Distt. Durg C.G.

**3** - Superintendent Of Police Telecommunication Office Of S.P.  
Telecommunication, Bhilai Zone Bhilai District Durg C.G.

**4** - Deputy Superintendenet Of Police Telecommunication, Office Of  
Dy S.P. Telecommunication Divisional Telecommunication Head  
Quarter, Jagdalpur, District Bastar C.G.

**... Respondent(s)**



***(Cause title taken from CIS)***

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For Petitioner(s) : Shri Abhishek Pandey, Advocate

For Respondent(s) : Ms. Diksha Gouraha, Dy. Govt. Advocate

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**(HON'BLE SHRI JUSTICE BIBHU DATTA GURU)**

**Order on Board**

**12.05.2026**

1. By the present writ petition, the petitioner is seeking quashment of recovery order dated 02.02.2026 issued by respondent No. 3 i.e. Superintendent of Police, Telecommunication Bhilai zone, District Durg (C.G.)
2. Learned counsel for the petitioner submits that the petitioner is working on the post of Constable (GD) in Telecommunication, Divisional Headquarters, Jagdalpur, Bhilai Zone under respondent No. 4. He submits that vide order dated 28.04.2025, respondent No. 3 informed the petitioner that upon verification of his service book by respondent No. 2, it was found that excess payment had been made to the petitioner due to erroneous pay fixation from July, 2007 to August, 2024, and accordingly, his pay fixation was amended. He further submits that thereafter, vide order dated 02.02.2026, respondent No. 3 issued a recovery order



directing recovery of Rs. 2,13,259/- from the petitioner on account of such alleged excess payment. He further submits that the petitioner is holding Class-III post and according to the decision in case of **State of Punjab and others V. Rafiq Masih (White Washer) and others, reported in (2015) 4 SCC 334**, recovery of the payment made mistakenly to Class -III employees is not permissible. He also contended that the similar view has been taken by Hon'ble Supreme Court in case of **High Court of Punjab and Haryana and others v. Jagdev Singh reported in (2016) 14 SCC 267** and by the Division Bench of this Court in case of **State of Chhattisgarh v. Labha Ram Dhruv** in Writ Appeal No.264 of 2020 and also in case of **State of Chhattisgarh and others v. Roshan Lal Baghel** in Writ Appeal No.265 of 2020. He further submits that recovery made by the respondents from the petitioner is erroneous and not permissible and prays that the order of recovery dated 02.02.2026 be set aside and direction be issued to respondents to return back the amount recovered from the petitioner.

3. Learned State counsel opposes the submission made and submits that the order of recovery is just and proper and



need no interference.

4. I have heard learned counsel for the parties and perused the pleadings and the documents annexed.
5. Hon'ble Supreme Court in case of **Rafiq Masih(supra)** has observed thus:

"10. In State of Punjab v. Rafiq Masih (Supra) this Court held that while it is not possible to postulate all situations of hardship where payments have mistakenly been made by an employer, in the following situations, a recovery by the employer would be impermissible in law:

(i) Recovery from employees belonging to Class-III and Class-IV service (or Group 'C' and Group 'D' service).

(ii) Recovery from retired employees, or employees who are due to retire within one year, of the order of recovery.

(iii) Recovery from employees, when the excess payment has been made for a period in excess of five years, before the order of recovery is issued.



(iv) Recovery in cases where an employee has wrongfully been required to discharge duties of a higher post, and has been paid accordingly, even though he should have rightfully been required to work against an inferior post.

(v) In any other case, where the Court arrives at the conclusion, that recovery if made from the employee, would be iniquitous or harsh or arbitrary to such an extent, as would far outweigh the equitable balance of the employer's right to recover.

11. The principle enunciated in Proposition (ii) above cannot apply to a situation such as in the present case. In the present case, the officer to whom the payment was made in the first instance was clearly placed on notice that any payment found to have been made in excess would be required to be refunded. The officer furnished an undertaking while opting for the revised pay scale. He is bound by the undertaking."

6. In the aforementioned facts of the case, where undisputedly petitioner is holding Class-III post, recovery of the amount



from petitioner is not permissible as observed by Hon'ble Supreme Court in case of Rafiq Masih (supra).

7. Considering the decision of the Hon'ble supreme Court as also the Division Bench of this Court, impugned order of recovery dated 02.02.2026 (Annexure P-2) is quashed. Respondents are directed to return back the amount, if any, recovered from the petitioner within a period of 6 months from the date of receipt of the order.
8. Accordingly, the writ petition is allowed to the above extent.

Sd/-  
**(BIBHU DATTA GURU)**  
**JUDGE**

**Shoaib**