



NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 8098 of 2025

1 - Santosh Kumar Rathiya S/o Shri Yudbal Singh Rathiya, Aged About 33 Years Post- Teacher (T-Cadre), R/o Village Dhourabhantha, P.O. Bakaruma, Tahsil Dharamjaigarh, District Raigarh Chhattisgarh.

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through The Secretary, Department Of School Education, Ministry, Mahanadi Bhavan, Atal Nagar, New Raipur, District Raipur Chhattisgarh

2 - Director, Directorate Of Public Instructions, Indravati Bhawan, Atal Nagar, New Raipur, District Raipur Chhattisgarh

3 - Joint Director, Education Division Bilaspur, Bilaspur, District Bilaspur Chhattisgarh

4 - District Education Officer, Raigarh, District Raigarh Chhattisgarh

5 - Block Education Officer, Block Kharsiya, District Raigarh Chhattisgarh

... Respondent(s)

(Cause title taken from Case Information System)_

Order Sheet

<u>31/07/2025</u>	<p>Mr. Alok Kumar Dewangan, Advocate for the petitioner.</p> <p>Mr. Santosh Bharat, Panel Lawyer and Mr. Sabyasachi Choubey, Panel Lawyer for the State.</p> <p>Learned counsel for the State prays and is granted 04 weeks time to file reply in the matter.</p> <p>Also heard on I.A. No. 1 of 2025, which is an application for grant of interim relief.</p> <p>Learned counsel for the petitioner would submit that the petitioner was initially appointed on the post of Assistant Teacher vide order dated 30.07.2013, and thereafter in the year 2020, his services were merged with the Education Department. After obtaining permission in the year 2019, he appeared in the examination of Teacher (E and T-cadre) and ultimately selected and obtained appointment and he joined on the post of Teacher-English (Hindi Medium) (T-cadre).</p> <p>All of sudden, he received a notice on 23.06.2025, by which the respondent No.5 issued the order dated 23.06.2025 with respect to recovery of Rs. 1,86,840/- stating therein that the petitioner has been paid the salary from the date of his appointment till November, 2022 on the basis of regular pay-scale, whereas he is entitled for stipend as per the slab mentioned in his appointment order @ 70%, 80% and 90%</p>

respectively. He would further submit that the salary has been paid without there being any fault of the petitioner, and therefore, the recovery cannot be made from him.

On the other hand, learned counsel for the State opposes the submissions made by learned counsel for the petitioner, and would submit that on an objection raised by the Assistant Director (Treasury), the matter was examined and ultimately recovery order has been issued against the petitioner.

Considering the submissions made by learned counsel for the parties, purely as an interim measure, it is directed that order dated 23.06.2025 shall be kept in abeyance and no recovery shall be made from the petitioner till the next date of hearing.

List this case after 04 weeks.

Sd/-
(Ravindra Kumar Agrawal)
Judge