
(2020) 09 MP CK 0031

In the Madhya Pradesh High Court

Case No : Writ Petition No.12794 Of 2020

Gajendra Ojha

APPELLANT

Vs

State Of M. P. And Others

RESPONDENT

Date of Decision : 03-09-2020

Acts Referred:

Citation : (2020) 09 MP CK 0031

Hon'ble Judges : S. C. Sharma, J

Bench : Single Bench

Advocate : Amit Raj, Shrey Raj Saxena

Final Decision : Partly Allowed

Judgement

The petitioner before this Court, who is a retired Government servant, has filed this present petition being aggrieved by the order dated 16/11/2015 passed by the respondents.

The petitioner's contention is that an order of recovery was issued against the petitioner directing recovery. Now the respondents are recovering the interest also on excess amount paid to the petitioner.

Learned counsel for the petitioner has drawn the attention of this Court towards the judgment delivered in the case of Rajendra Bhawsar v/s The State of Madhya Pradesh & Others (W.P. No.826/2017) and the co-ordinate Bench of this Court has quashed the recovery in respect of the interest component only.

A writ appeal was also preferred in the matter i.e. W.A. No.120/2018 (The State of Madhya Pradesh & Others v/s Rajendra Bhawsar) and the Division Bench of this Court has upheld the judgment delivered by the learned Single Judge, meaning thereby, the recovery in respect of the interest component has been quashed.

Learned Government Advocate for the respondents / State has not disputed the aforesaid facts.

This Court, after hearing learned counsel for the parties is of the considered opinion that the present writ petition deserves to be allowed and is accordingly, partly allowed. The respondents shall be free to recover the principal amount. It is further made clear that there will be no recovery in respect of the interest component. In case, the petitioner attains the age of superannuation, the respondents shall be free to recover the amount from his terminal dues. The respondents, in case the interest is recovered, shall refund the interest within a period of 30 days from today.

With the aforesaid, the present Writ Petition stands partly allowed.

It is needless to mention that in case, certified copy is not available due to some technical reason, the order uploaded on the website of the High Court shall be treated as certified copy for all purposes and the counsel shall be free to obtain certified copy later on as and when facilities are made available to him.

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