
(2020) 09 MP CK 0037

In the Madhya Pradesh High Court

Case No : Writ Petition No. 12833 Of 2020

Gurucharan Singh Panwar

APPELLANT

Vs

State Of Madhya Pradesh & Others

RESPONDENT

Date of Decision : 04-09-2020

Acts Referred:

Citation : (2020) 09 MP CK 0037

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

Bench : Single Bench

Advocate : L.C. Patne, Shrey Raj Saxena

Final Decision : Partly Allowed

Judgement

The petitioner before this Court has filed this present petition being aggrieved by the order dated 15.11.2006 passed by the Superintendent of Police, District - Shajapur.

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 respondent 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.

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

Certified copy, as per rules.