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**IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR**

**BEFORE  
HON'BLE SHRI JUSTICE SANJAY DWIVEDI**

**ON THE 30<sup>th</sup> OF JANUARY, 2023**

**WRIT PETITION No. 26636 of 2022**

**BETWEEN:-**

**NARENDRA KUMAR NAMDEO S/O LATE SHRI  
SHRAWAN KUMAR NAMDEO, AGED ABOUT 59 YEARS,  
OCCUPATION: (ASST. TEACHER) GOVT. PRIMARY  
SCHOOL SINDURI BHARRI R/O GRAM KUDRI TEHSIL  
SOHAGPUR SHAHDOL DISTRICT SHAHDOL (MADHYA  
PRADESH)**

**.....PETITIONER**

***(BY SHRI PRIYANSHU DUBEY - ADVOCATE)***

**AND**

- 1. THE STATE OF MADHYA PRADESH THROUGH  
THE PRINCIPAL SECRETARY TRIBAL  
DEVELOPMENT DEPARTMENT VALLABH  
BHAWAN BHOPAL (M.P.)**
- 2. JOINT DIRECTOR TREASURY AND ACCOUNTS  
DEPARTMENT REWA DISTRICT REWA (MADHYA  
PRADESH)**
- 3. ASSISTANT COMMISSIONER TRIBAL  
DEVELOPMENT DEPARTMENT SHAHDOL  
DISTRICT SHAHDOL (MADHYA PRADESH)**
- 4. DISTRICT TREASURY OFFICER SHAHDOL  
DISTRICT SHAHDOL (MADHYA PRADESH)**
- 5. BLOCK EDUCATION OFFICER SHAHDOL  
SOHAGPUR DISTRICT SHAHDOL (MADHYA  
PRADESH)**

**.....RESPONDENTS**

***(BY SHRI DARSHAN SONI - GOVERNMENT ADVOCATE)***

.....  
*This petition coming on for admission this day, the court passed the*

*following:*

**ORDER**

By the instant petition, the petitioner is challenging the action of the respondents whereby they have proposed recovery of an amount i.e. Rs.2,83,299/- against the petitioner.

Learned counsel for the petitioner submits that this amount includes interest to the tune of Rs.1,18,940/- whereas basic amount is Rs.1,64,359/-. Pointing towards the legal position already set at rest, learned counsel relies upon an order dated 13.09.2017 passed in **W.P.No.826/2017 (Rajendra Bhavsar v. State of Madhya Pradesh and others)** whereby the Court has quashed the recovery of interest amount and that order has been followed by the Court on number of occasions.

In contrast, learned counsel for the State submits that the fact with regard to recovery proposed against the petitioner and amount underlying therein, requires to be ascertained and therefore instead of deciding the petition finally, he may be granted an opportunity to file a reply in the matter.

Obviously, from the document-D/1 made appendage to I.A.No.16686/2022 filed by the petitioner, it is clear that amount of excess payment is being recovered from the petitioner. Bolstered by the myriad decisions, rather keeping the matter pending, I deem it apposite to dispose of the petition directing the respondents-authorities to only recover the basic amount i.e. Rs.1,64,359/- and not the interest part i.e. Rs.1,18,940/- from the petitioner. Accordingly, the impugned order dated 20.03.2019 (Annexure-P/3) is set aside in part.

With the aforesaid direction, this petition is disposed of.

Sudesh

