



CGHC010410582022



2026:CGHC:30273

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 9122 of 2022

1 - Prabhakar Shukla S/o Shri Ramavtar Shukla Aged About 55 Years Working As Senior Assistant, C.G. State Civil Supplies Corporation Limited, District Officer Bilaspur (C.G.)

--- Petitioner(s)

versus

1 - Chhattisgarh State Civil Supplies Corporation Limited Through Managing Director, Block-7, 2nd Floor, Office Complex, Sector 24, Atal Nagar, Raipur (C.G.)

2 - Deputy General Manager Chhattisgarh State Civil Supplies Corporation Limited, Block-7, 2nd Floor, Office Complex, Sector 24, Atal Nagar, Raipur (C.G.)

3 - Managing Director Madhya Pradesh State Civil Supplies Corporation Limited, Block-1, 3rd Floor, Paryavas, Jail Road, Bhopal-462011

--- Respondent(s)

WPS No. 8979 of 2022

1 - J. L. Dadsena S/o Lt. Ram Sahay Aged About 61 Years Working As Manager, C.G. State Civil Supplies Corporation Limited, District Office Raigarh (C.G.)

---Petitioner(s)

Versus

1 - Chhattisgarh State Civil Supplies Corporation Limited Through Managing Director, Block 7, 2nd Floor, Office Complex Sector 24, Atal Nagar, Raipur (C.G.)

2 - Deputy General Manager Chhattisgarh State Civil Supplies Corporation Limited, Block- 7, 2nd Floor, Office Complex, Sector 24, Atal Nagar, Raipur (C.G.)

3 - Managing Director Madhya Pradesh, State Civil Supplies Corporation Limited, Block- 1, 3rd Floor, Paryavas, Jail Road, Bhopal 462011.

--- **Respondent(s)**

WPS No. 9148 of 2022

1 - R.S. Rathore S/o Lt. Badri Singh Rathore Aged About 60 Years Working As Manager, Chhattisgarh State Civil Supplies Corporation Limited, District- Office- Janjgir-Champa, Chhattisgarh

---**Petitioner(s)**

Versus

1 - Chhattisgarh State Civil Supplies Corporation Limited Through Managing Director, Block-7, 2nd Floor, Office Complex, Sector-24, Atal Nagar, Raipur, Chhattisgarh

2 - Deputy General Manager, Chhattisgarh State Civil Supplies Corporation Limited Block-7, 2nd Floor, Office Complex, Sector-24, Atal Nagar, Raipur, Chhattisgarh

3 - Managing Director, Madhya Pradesh State Civil Supplies Corporation Limited Block- 1, 3rd, Floor, Paryavas, Jail Road, Bhopal- 462011

--- **Respondent(s)**

WPS No. 8982 of 2022

1 - T.R. Tondey S/o Shri M.D. Tondey Aged About 58 Years Working As Assistant, C.G. State Civil Supplies Corporation Limited, District Office Mungeli (C.G.)

---**Petitioner(s)**

Versus

1 - Chhattisgarh State Civil Supplies Corporation Limited Through Managing Director, Block 7, 2nd Floor, Office Complex Sector 24, Atal Nagar, Raipur (C.G.)

2 - Deputy General Manager Chhattisgarh State Civil Supplies Corporation Limited, Block- 7, 2nd Floor, Office Complex, Sector 24, Atal Nagar, Raipur (C.G.)

3 - Managing Director Madhya Pradesh, State Civil Supplies Corporation Limited,
Block- 1, 3rd Floor, Paryavas, Jail Road, Bhopal 462011.

--- Respondent(s)

WPS No. 9227 of 2022

1 - K.K. Yadu S/o Lt. M.L. Yadu Aged About 60 Years Working As Deputy A.G.M.,
Posted At C.G. State Civil Supplies Corporation Limited, Head Officer, Raipur,
District- Raipur (C.G.)

---Petitioner(s)

Versus

1 - Chhattisgarh State Civil Supplies Corporation Limited Through Managing
Director, Block-7, 2nd Floor, Office Complex, Sector 24, Atal Nagar, Raipur (C.G.)

2 - Deputy General Manager Chhattisgarh State Civil Supplies Corporation Limited,
Block-7, 2nd Floor, Office Complex, Sector 24, Atal Nagar, Raipur (C.G.)

3 - Managing Director Madhya Pradesh State Civil Supplies Corporation Limited,
Block-1, 3rd Floor, Paryavas, Jail Road, Bhopal-462011

--- Respondent(s)

For Petitioner/s	:	Shri Anmol Sharma, Advocate.
For Respondent/s	:	Shri Atul Kumar Kesharwani, Advocate.

Hon'ble Shri Justice Rakesh Mohan Pandey

Judgment On Board

16.07.2026

1) In these petitions, the petitioners have challenged the orders of
recovery dated 16.11.2022 issued by respondent No.2.

2) The facts, in brief, are that the petitioners are working as
Assistant, Senior Assistant, Manager and Deputy AGM under
respondents No.2 & 3. Respondent No.2 issued orders of
recovery against the petitioners on 16.11.2022 in respect of

alleged loss of paddy that occurred during 1996-97 to 1999-2000. It is further pleaded that the alleged loss of paddy occurred when the State of Chhattisgarh was a part of the erstwhile State of Madhya Pradesh and after formation of the State of Chhattisgarh, the services of the petitioners were allocated to the State of Chhattisgarh. It is also stated that similar recovery orders were issued against Officers and employees posted at various headquarters and those orders were challenged in W.P. No.1208 of 2001. The said writ petition was disposed of vide order dated 28.11.2001, directing the respondent corporation to conduct an enquiry. A period of five months was granted for completion of the enquiry, and till then, the operation of the recovery orders was stayed.

- 3)** The names of the petitioners, writ petition numbers, amount of recovery, dates of the recovery orders and the posts held by the petitioners are described in the following chart:

Sl. No.	Name of the petitioner	Writ Petition No.	Recovery Amount	Dated	Post
1.	Prabhakar Shukla	WPS No. 9122/2022	22,19,505.68	16.11.2022	Senior Assistant
2.	J.L. Dadsena	WPS No. 8979/2022	2,67,861.99	16.11.2022	Manager
3.	T.R. Tondey	WPS No. 8982/2022	4,25,713	16.11.2022	Assistant
4.	R.S. Rathore	WPS No. 9148/2022	1,11,360.54	16.11.2022	Manager
5.	K.K. Yadu	WPS No. 9227/2022	3,87,248.46	16.11.2022	Deputy AGM

- 4) Notices were served upon the petitioners requiring them to appear within five days, but no proceedings were initiated by the respondent authorities for several years. In the meantime, some of the petitioners attained the age of superannuation.
- 5) Learned counsel appearing for the petitioners would argue that although a direction was issued to respondents No.2 & 3 to conclude the proceedings against the petitioners within five months, no decision was taken, and the orders of recovery dated 16.11.2022 were issued without holding any departmental enquiry. It is further argued that some of the petitioners were on the verge of retirement and therefore, the orders of recovery issued against them are arbitrary and in contravention to the well-settled principles of service jurisprudence. He has placed reliance on the judgments rendered by the Hon'ble Supreme Court in the matters of **P.V. Mahadevan Versus M.D. T.N. Housing Board¹**, **State of Madhya Pradesh Versus Bani Singh and Another²** and **UCO Bank and Others Versus Rajendra Shankar Shukla³**.
- 6) Per contra, learned counsel for the respondents appearing for the Chhattisgarh State Civil Supplies Corporation Limited would submit that the petitioners caused a huge loss to the Corporation, therefore, show-cause notices were served upon the petitioners. It is argued that the order of recovery dated 16.11.2022 is in

1 . (2005) 6 SCC 636

2 . 1990 (Supp) SCC 738

3 . (2018) 14 SCC 92

continuation of the proceedings, which were initiated in the year 2001. He has placed reliance on the judgments rendered by the Hon'ble Supreme Court in the matters of **State of Madhya Pradesh and Another Versus Akhilesh Jha and Another⁴**, **Government of Andhra Pradesh and Others Versus V. Appala Swamy⁵** and **Anant R. Kulkarni Versus Y.P. Education Society and Others⁶**.

- 7) I have heard learned counsel appearing for the respective parties, considered their rival submissions made herein above and carefully perused the documents placed on record.
- 8) Admittedly, the recovery orders were issued against the petitioners on 16.11.2022 on account of shortage in paddy procurement. Subsequently, show-cause notices were served upon the petitioners, wherein specific allegations were made to the effect that they had caused a huge loss to the Corporation. In response, the Chhattisgarh State Civil Supplies Corporation Adhikari-Karmchari Union preferred W.P. No.1208 of 2001, which was disposed of vide order dated 28.11.2001. The Hon'ble Court granted protection to the petitioners and other officers while reserving liberty in favor of the Corporation to initiate departmental inquiry against them and conclude the proceedings within a period of five months from the first date of the proceedings. It transpires that respondents No. 1 & 2 failed to conclude the departmental

4 . 2021 SCC OnLine 696

5 . (2007) 14 SCC 49

6 . (2013) 6 SCC 515

inquiry within the stipulated period of five months thereafter, the authorities kept mum for a period of 16 years and thereafter show-cause notices were issued to the petitioners.

9) It is apparent that respondent No. 2 remained inactive for nearly 16 years before initiating departmental inquiry against the petitioners. Respondents No. 1 and 2 have stated in their return that in absence of relevant documents, departmental inquiry could not be initiated against the petitioners within the stipulated time. Undisputedly, delay in the conclusion of departmental inquiry is not always fatal to the department and merely on account of such delay, departmental proceedings cannot be quashed. However, at the same time, the issue of prejudice caused to the delinquent employees must also be considered by the Courts so as to strike a balance between the loss allegedly caused to the department and the rights of the employees.

10) In **P.V. Mahadevan** (supra), the disciplinary proceedings were initiated against the appellant in the year 2000 for irregularities committed in the year 1990 which came to the notice of the disciplinary authority on the basis of the Audit report 1994-1995 and in **Bani Singh** (supra), noticing that the irregularities which formed the subject matter of the inquiry, were said have taken place within 1975-1977 and that it being not the case of the department that it was not aware of the said irregularities, if any, and that it came to know of the irregularities only in year 1987.

The Hon'ble Supreme Court, finding that there was no satisfactory explanation for the inordinate delay in issuing the charge memo, held that it would be unfair to permit the departmental inquiry to be proceeded with at that stage.

11) Notices were served upon the petitioners in the year 2017 after long 16 years from the order passed in W.P. No.1208 of 2001. In the return, respondents No. 1 & 2 have explained that the departmental inquiry could not be initiated earlier due to the non-availability of relevant documents. In these cases, orders of recovery have been passed without affording any opportunity of hearing to the petitioners.

12) In my considered view, the respondent Corporation has failed to justify the delay of nearly 16 years in initiating the departmental inquiry against the petitioners. Furthermore, the impugned order dated 16.11.2022 has civil consequences and if an inquiry is initiated at this stage, it would hugely hamper the petitioners' right of enjoying their retiral dues.

13) In view of the aforesaid discussion(s), I have no hesitation in holding that the authorities of Chhattisgarh State Civil Supplies Corporation Limited have failed to justify the inordinate delay of nearly 16 years in initiating the departmental enquiry against the petitioners. Consequently, the orders of recovery issued against the petitioners being unsustainable in the eyes of law, are hereby quashed. Accordingly, all these petitions stand allowed.

14) Chhattisgarh State Civil Supplies Corporation Limited is directed to sanction and disburse the remaining retiral dues, if any, admissible to the petitioners, at the earliest.

15) With the aforesaid observation(s) and direction(s), these petitions are allowed.

Sd/-

(Rakesh Mohan Pandey)
JUDGE

Nimmi