

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4445 of 2009

- L.D. Dhire, S/o Late Shri Narsih Dhire, aged about 65 years, R/o Village Darba, Post Kurud, Tah-Aarang, District Raipur (C.G.)

---- Petitioner

Versus

- The Accountant General, Through Senior Accounts Officer, Raipur (C.G.)
- Executive Engineer Minimata Bango Canal Division No.5, Kharsiya, Distt.- Raigarh (CG)

---- Respondents

For the petitioner : Shri Sunil Otwani, Advocate
For Respondent No. 1 : Ms. Purnima Singh, Advocate
For Respondent No.2/State : Shri S.P. Kale, Dy. A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order on Board

13/07/2015

Heard.

- 2) The petitioner has filed this petition challenging the order of recovery directed vide impugned order dated 22-09-2008.
- 3) During the course of hearing, learned counsel for the parties agreed that looking to the disputes arising with regard to deductions made from time to time which may require close scrutiny of all the records in possession of respondent No.1 which may involve meticulous examination of various entries, a fresh exercise of calculation may be necessary.
- 4) Learned State counsel submits that whatever documents with regard to part final withdrawal and deposits made by the petitioner are available, would be made

available to respondent No.1 in order to ensure that correct facts are placed before coming to a decision with regard to liability towards the recovery.

5) Taking into consideration the nature of disputes and the statement made by learned counsel for the parties before this Court interest of justice would suffice, if a direction is issued to respondent No.1 to carry out scrutiny of records before giving the effect to the order of recovery. The respondents shall also allow inspection of the records as may be requested by the petitioner and thereafter, allow him opportunity to explain various entries with regard to withdrawals, deposits etc. Upon consideration of petitioner's submission in writing and the records, respondent No. 1 shall consider the whole aspect and pass a fresh order in the matter. Considering the petitioner is a retired employee, the exercise be done as early as possible. Respondent No.2 shall provide full cooperation to respondent No.1 in taking early decision.

6) With the aforesaid directions, the petition stands disposed of.

Sd/-

(Manindra Mohan Shrivastava)

JUDGE