

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.5787 of 2008**

Dilip Kumar Minj, S/o Gustab Minj, aged about 33 years, occupation Sub-Engineer, Rural Engineering Department, Block Pusour, District Raigarh, Chhattisgarh

---- Petitioner

versus

1. State of Chhattisgarh, through Secretary, Panchayat Evam Gramin Vikas Vibhag, DKS Bhavan, Mantralaya, Raipur, Chhattisgarh
2. Collector, Raigarh, District Raigarh, Chhattisgarh
3. Chief Executive Officer, Janpad Panchayat, Lailunga, District Raigarh, Chhattisgarh

---- Respondents

and

Writ Petition (S) No.5789 of 2008

M.R. Sahu, S/o M.L.Sahu, aged about 47 years, occupation Sub-Engineer, Janpad Panchayat, Sakti, District Janjgir-Champa, Chhattisgarh

---- Petitioner

versus

1. State of Chhattisgarh, through Secretary, Panchayat Evam Gramin Vikas Vibhag, DKS Bhavan, Mantralaya, Raipur, Chhattisgarh
2. Collector, Raigarh, District Raigarh, Chhattisgarh
3. Chief Executive Officer, Janpad Panchayat, Lailunga, District Raigarh, Chhattisgarh

---- Respondents

For Petitioners	:	Ms. Hamida Siddique, Advocate
For Respective Respondents	:	Shri U.N.S. Deo, Government Advocate, Shri Pushkar Sinha and Shri Akhilesh Kumar, Advocates

Hon'ble Shri Navin Sinha, Chief Justice**Order on Board****14/12/2015**

1. These two writ applications arise from common order dated 17.6.2008 passed by Respondent No.2, Collector, Raigarh.
2. Since the facts are identical and the questions of law arising for consideration being common, for convenience the facts will primarily be taken from Writ Petition (S) No.5787 of 2008.

3. Heard Learned Counsel for the Petitioners and the Respondents.
4. Even an order of recovery, imposing a minor punishment, even if no formal departmental proceedings are required, must comply with principles of natural justice by giving proper opportunity of defence. The Respondents gave a show cause notice to the Petitioners on 23.12.2005 relying upon certain technical reports and asking the Petitioner to examine the records if he so desired. The Petitioner replied on 13.3.2006 asking for copies of the technical inquiry report and other necessary information which was not responded and the impugned order dated 17.6.2008 was passed. The counter-affidavit does not aver that the request of the Petitioners made in writing was complied with and the information sought for by him offered to be made available for inspection which he declined to do. The order dated 17.6.2008 is therefore held to be not sustainable in its present form but without prejudice to the rights of the Respondents afresh in accordance with law.
5. The writ applications are allowed.

Sd/-
(Navin Sinha)
CHIEF JUSTICE