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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.4368 of 2008**

Smt. Bhagwati Rathore, W/o Krishn Kumar Rathore, aged about 33 years, Shiksha Karmi Grade I, posted as Superintendent Kasturba Gandhi Residential School, Hardi, District Janjgir-Champa, Chhattisgarh

---- Petitioner**versus**

1. The State of Chhattisgarh through the Secretary, School Education Department, Mantralay, D.K.S. Bhawan, Raipur, Chhattisgarh
2. The Director, Rajiv Gandhi Shiksha Mission, Avanti Vihar Colony, Raipur, Chhattisgarh
3. The District Coordinator - Shri R.P.Aditya, Rajiv Gandhi Shiksha Mission, Janjgir, District Janjgir-Champa, Chhattisgarh
4. The Chief Executive Officer and District Project Director, Rajiv Gandhi Shiksha Mission, District Panchayat, Janjgir, District Janjgir-Champa, Chhattisgarh
5. The District Coordinator, District Panchayat, Rajiv Gandhi Shiksha Mission, Janjgir-Champa, Chhattisgarh
6. Union of India, Manav Sansadhan Vikas, Mantralay, through its Secretary, Manav Sansadhan Vikas Mantralay, New Delhi

---- Respondents

For Petitioner	:	None
For State/Respondent No.1	:	Shri B. Gopa Kumar, Deputy Advocate General
For Respondents No.2, 4 & 5	:	Shri Ashutosh Singh Kachhawaha, Advocate
For Respondent No.6/UOI	:	Shri Narendra Kumar Vyas, Assistant Solicitor General

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

1. No one appears on behalf of the Petitioner.
2. Learned Counsel for the State, Respondents No.2, 4 and 5 and the Union of India have been heard.
3. The Petitioner is aggrieved by order dated 3.7.2008 directing her to deposit Rs.52,665/-. An order for recovery is a minor punishment but even that is required to be preceded by a show cause notice and consideration of the cause shown.

4. Show cause notice was given to the Petitioner on 21.5.2008 duly replied on 24.5.2008 denying the allegations. The impugned order is cryptic and non-speaking in nature. It simply states that the explanation of the Petitioner was not found satisfactory.

5. Any order to the prejudice of a person must be reasoned and speaking in nature. Giving of a show cause notice is not an empty formality. It is but an opportunity to convince the authorities that the person concerned against whom the allegation is made was not at fault. Fairness in the decision making process therefore requires that the final order rejecting the cause shown must disclose application of mind to the allegations, the defence furnished to arrive at a reasoned conclusion. To simply state that the explanation was not found acceptable, without further discussion of the reasons why it was not acceptable may amount to vesting of arbitrary powers in the Respondents.

6. The order dated 3.7.2008 is therefore held not to be sustainable in its present form but without prejudice to the rights of the Respondents afresh in accordance with law.

7. The writ application is allowed.

Sd/-
(Navin Sinha)
CHIEF JUSTICE