

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 3110 of 2009**

Dr. (Smt) Divya Shrivastava Aged 47 years, W/o Mr. A.K.Shrivastava, Medical Officer, (Principal, MPWT Tr. Centre) Durg, Chhattisgarh.

---- **Petitioner****Versus**

- 1.The State Govt. of Chhattisgarh, Through the Secretary, Deptt. of Public Health Ministry, DKS Bhawan, Raipur, Chhattisgarh.
- 2.Director of Public Health, Govt. of Chhattisgarh, Raipur, Chhattisgarh.
- 3.Chief Medical & Health Officer, Durg, Chattisgarh.

---- **Respondents**

For Petitioner	:	Shri Ajay Shrivastava, Advocate.
For Respondents/State	:	Shri UNS Deo, Government Advocate.

Hon'ble Shri Navin Sinha, Chief Justice**Order on Board****16/10/2015**

1. Heard Learned Counsel for the Petitioner and the State.
2. Short controversy involved in this writ application is grant of non-practicing allowance and subsequent cancellation followed by orders for recovery.
3. Learned Counsel for the State very fairly acknowledges that he is not in a position to demonstrate from the counter-affidavit that the principles of natural justice have been followed either before cancellation or before directing recovery.
4. The Court is not persuaded to entertain the claim on merits at this stage because of the aforesaid limited ground alone. The impugned orders dated 22.5.2009, 3.2.2009 and 12.6.2009 are therefore set aside but without prejudice to the rights of the Respondents afresh in accordance with law by giving a proper show cause notice to the Petitioner specifying the grounds and

then passing fresh orders in accordance with law after the cause shown by the Petitioner within the time that may be indicated in the same.

5. If no show cause notice is issued to the Petitioner within four months from today, any recovery made shall have to be refunded to the Petitioner. The Petitioner shall place this order before the Respondents without any delay.

6. The writ petition is disposed.

Sd/-

(Navin Sinha)

CHIEF JUSTICE