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HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No.1674 of 2015**

M/s Gordhandas Gobindram 52 Jairam Complex, Raipur (Chhattisgarh),
Through Its Partner Shri Jairaj Jadwani, S/o Late Shri Gordhandas
Gobindram, Aged About 60 Years, 52 Jairam Complex, Raipur (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Public Works Department, Mantralaya, Mahanadi Bhawan, Naya Raipur (Chhattisgarh)
2. Engineer In Chief, Public Works Department, Sirpur Bhawan, Civil Lines, Raipur (Chhattisgarh)
3. Chief Engineer, Public Works Department, Bridge, Construction Zone, Sirpur Bhawan, Civil Lines, Raipur (Chhattisgarh)
4. Superintending Engineer Public Works Department, Bridge Construction Circle, Sirpur Bhawan Campus, Civil Lines, Raipur (Chhattisgarh)
5. Executive Engineer, Public Works Department, Bridge Construction Circle, Sirpur Bhawan Campus, Civil Lines, Raipur (Chhattisgarh)
6. Collector, District Raipur (Chhattisgarh)

---- Respondent

For Petitioner : Shri Abhinav Kardekar, Advocate
For Respondent/State: Shri S. P. Kale, Dy.A.G.

Order On Board**09/10/2015**

The petitioner has challenged order dated 08-09-2015 (Annexure P-1), by which, the petitioner has been asked to submit representation against the proposed recovery of Rs.26,66,721/-.

2. Learned counsel for the petitioner submits that earlier, recovery ordered against the petitioner without affording opportunity of hearing to the petitioner, was held illegal and unsustainable in law by the Division Bench of this Court. Vide order dated 15-10-2014 passed in W.P.(C)No.620 of 2013, the order of recovery was set

aside holding that the action was in violation of the principles of natural justice. It is submitted that now the respondents have again issued a notice to the petitioner for depositing the amount again giving reference to earlier order, which has already been set aside.

3. Learned counsel for the respondents submits that the petitioner has been issued show cause notice only to submit representation. This has been done in exercise of liberty granted to the respondents vide order dated 15-10-2014 passed in earlier round of litigation. The respondent authority has granted sufficient time to the petitioner to file reply and after submission of reply, the same shall be taken into consideration and then only, final order shall be passed.

4. A perusal of the impugned order dated 08-09-2015 would show that the recovery has been proposed and the petitioner has been asked to submit representation. This order, in substance, only a show cause notice, not by itself an order of recovery. The petitioner is at liberty to file reply to this notice. In his reply, he would be at liberty to raise all the grounds, which are available to him under the law. The respondent-Executive Engineer shall consider objection/reply of the petitioner and thereafter, he may pass appropriate orders in accordance with law.

5. With the aforesaid direction/observation, this petition is finally disposed off. It goes without saying that till the matter is finally decided by the Executive Engineer, upon receipt of reply by the petitioner, no recovery can be made against the petitioner.

6. Considering that upon receipt of impugned communication, the petitioner filed this petition before this Court on 14-09-2015, the petitioner is granted liberty to file reply before the Executive Engineer within a period of 15 days from today.

Sd/-
Manindra Mohan Shrivastava
Judge

Tumane