

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No. 5159 of 2008

C.B. Patley, S/o Late Shri Sitaram Patley, Aged about 57 years,
Occupation- Chief Executive Officer, Janpad Panchayat
Dharamjaigarh, R/o- Dharamjaigarh, District Raigarh (Chhattisgarh)

---Petitioner

versus

1. State of Chhattisgarh Through it's Secretary Department of Panchayat and Rural Development, D.K.S. Bhavan Raipur (Chhattisgarh)
2. Collector, Raigarh, District Raigarh (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Vinay Pandey, Advocate
For State/Respondents	:	Shri U.N.S. Deo, Government Advocate

Hon'ble Shri Navin Sinha, Chief Justice

Order on Board

22/2/2016

1. Heard Learned Counsel for the Petitioner and the State.
2. The writ petition asserts that in pursuance of the show cause the Petitioner by his reply dated 27.5.2008 asked for certain information and documents to enable him to furnish a proper reply which was never provided to him. The counter-affidavit in reply to paragraph 8.5 of the writ petition does not deny the same.
3. Even a minor order of punishment cannot be issued without a proper opportunity to show cause and consideration of the cause shown. The impugned order dated 17.6.2008 directing recovery of 16,66,000/- is therefore held to be not sustainable in its present form. The Respondents are at liberty to examine the letter dated 27.5.2008 and make available the necessary documents sought for by the Petitioner in light of the show cause given to him and then pass appropriate orders after considering the cause shown.
4. The writ petition is allowed to the extent indicated.

Sd/-

**(Navin Sinha)
CHIEF JUSTICE**