

HIGH COURT OF CHHATTISGARH, BILASPUR**WP(S) No. 4 Of 2016**

Banshilal Chandel son of Shri Hariram Chandel, aged about 54 years, resident of Village-Bhimpuri, Post-Udaypur, Tahsil-Khairagarh, District-Rajnandgaon (CG)

---- Petitioner

Versus

1. State of Chhattisgarh Through the Secretary, Public Health Engineering Department, Mahanadi Bhawan, Mantralaya, New Raipur, District-Raipur (CG)
2. The Executive Engineer, Public Health Engineering Division, Rajnandgaon, District-Rajnandgaon (CG)

---- Respondents

And

WP(S) No. 5 Of 2016

Kumar Das Verma son of Garib Das Verma, aged about 57 years, resident of Village & Post-Ghumka, District-Rajnandgaon (CG)

---- Petitioner

Versus

1. State of Chhattisgarh Through the Secretary, Public Health Engineering Department, Mahanadi Bhawan, Mantralaya, New Raipur, District-Raipur (CG)
2. The Executive Engineer, Public Health Engineering Division, Rajnandgaon, District-Rajnandgaon (CG)

---- Respondents

And

WP(S) No. 7 Of 2016

Gyaneshwar Rao Bhalerao son of late Chirkutji Bhalerao, aged about 53 years, resident of Village & Post-Chhuria, District-Rajnandgaon (CG)

---- Petitioner

Versus

1. State of Chhattisgarh Through the Secretary, Public Health Engineering Department, Mahanadi Bhawan, Mantralaya, New Raipur, District-Raipur (CG)
2. The Executive Engineer, Public Health Engineering Division, Rajnandgaon, District-Rajnandgaon (CG)

---- Respondents**And****WP(S) No. 8 Of 2016**

Rupchand Sahu son of Agrahijlal, aged about 52 years, resident of Chikhli, Ward No.4, Khairagarh Road, District-Rajnandgaon (CG)

---- Petitioner**Versus**

1. State of Chhattisgarh Through the Secretary, Public Health Engineering Department, Mahanadi Bhawan, Mantralaya, New Raipur, District-Raipur (CG)
2. The Executive Engineer, Public Health Engineering Division, Rajnandgaon, District-Rajnandgaon (CG)

---- Respondents

For Petitioners : Mr.Gautam Khetrapal, Advocate in all cases

For Respondents/State : Mr.Dhiraj K. Wankhede, G.A. in all cases

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board**6/1/2016**

1. In these batch of writ petitions, learned counsel for the petitioners would submit that order Annexure P/2 dated

8.7.2014 has been issued directing recovery of certain amount, which is being deducted from salary of the petitioners, but order for recovery has been passed without issuing any show-cause notice and without affording any opportunity of hearing despite the decisions rendered by the Supreme Court in the matter of **State of Punjab and others v. Rafiq Masih (White Washer) and others**¹ and by this Court in the matters of **Vidya Shankar Tiwari v. State of M.P. (Now State of Chhattisgarh) and others**² and **Ramchandra Kurup v. State of C.G. & others**³. In the aforesaid cases, it has been repeatedly held by the Supreme Court and by this Court that no recovery can be made without affording any opportunity of hearing. However, it appears that the authority, unmindful of settled legal position, has issued the impugned order dated 8.7.2014.

2. In these circumstances and in view of the law laid-down by the Supreme Court and by this Court in the aforesaid cases, it is directed that the petitioners will be given proper show-cause notice and afforded proper opportunity of hearing against any recovery for whatever reason, including the reasons relating to excess payment on account of wrong fix-

1 (2015) 4 SCC 334

2 2006 (2) MPHT 31 (CG)

3 2010 (3) CGLJ 400

ation of pay before further deducting the amount from their salary. The aforesaid exercise shall be completed within three months from the date of receipt of certified copy of this order.

3. With the aforesaid observation, all writ petitions stands finally disposed of. No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-