

HIGH COURT OF CHHATTISGARH, BILASPUR**WP(S) No.15 Of 2016**

Devlal Dewangon, S/o late Bhuneshwar Dewangon, aged about 43 years, posted as Lecturer Panchayat at Government Higher Secondary School, Bhatpal, Narayanpur, R/o Narayanpur, Police Station and Revenue District Narayanpur (CG)

---- Petitioner

Versus

1. State of Chhattisgarh Through Secretary, Panchayat & Rural Development Department, Mahanadi Bhawan, Mantralaya, Capital Complex, Naya Raipur, District Raipur.
2. Collector, Narayanpur, Police Station and Revenue District Narayanpur.
3. Deputy Director, Local Fund Audit, Jagdalpur, Civil & Revenue District Bastar.
4. Janpad Panchayat Narayanpur, through its Chief Executive Officer-Janpad Panchayat Narayanpur, Police Station and Revenue District Narayanpur.
5. Chief Executive Officer Janpad Panchayat Narayanpur, Police Station and Revenue District Narayanpur.

---- Respondents

And**WP(S) No.16 Of 2016**

Smt. Hanti Dewangon, W/o Shri Ganesh Dewangon, aged about 45 years, posted as Lecturer Panchayat, at Govt. Higher Secondary School, Bijali, Narayanpur, R/o Narayanpur, Police Station and Revenue District Narayanpur.

---- Petitioner

Versus

1. State of Chhattisgarh Through Secretary, Panchayat & Rural Development Department, Mahanadi Bhawan, Mantralaya, Capital Complex, Naya Raipur, District Raipur.
2. Collector, Narayanpur, Police Station and Revenue District Narayanpur.

3. Deputy Director, Local Fund Audit, Jagdalpur, Civil & Revenue District Bastar.
4. Janpad Panchayat Narayanpur, through its Chief Executive Officer-Janpad Panchayat Narayanpur, Police Station and Revenue District Narayanpur.
5. Chief Executive Officer Janpad Panchayat Narayanpur, Police Station and Revenue District Narayanpur.

---- Respondents

And

WP(S) No. 17 Of 2016

Smt. Neeta Dewangon, W/o Shri Radheshyam Dewangon, aged about 43 years, posted as Lecturer Panchayat, at Govt. Middle School, Devgaon, Narayanpur, R/o Narayanpur, Police Station and Revenue District Narayanpur.

---- Petitioner

Versus

1. State of Chhattisgarh Through Secretary, Panchayat & Rural Development Department, Mahanadi Bhawan, Mantralaya, Capital Complex, Naya Raipur, District Raipur.
2. Collector, Narayanpur, Police Station and Revenue District Narayanpur.
3. Deputy Director, Local Fund Audit, Jagdalpur, Civil & Revenue District Bastar.
4. Janpad Panchayat Narayanpur, through its Chief Executive Officer-Janpad Panchayat Narayanpur, Police Station and Revenue District Narayanpur.
5. Chief Executive Officer Janpad Panchayat Narayanpur, Police Station and Revenue District Narayanpur.

---- Respondents

For Petitioners	:	Mr. Vaibhav A. Goverdhan, Advocate in all cases
For Respondents/State	:	Mr.Y.S. Thakur, Dy.A.G., Shri Dilman Rati Minj, Dy.G.A. and Ms. Astha

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

07/01/2016

1. In these batch of writ petitions, learned counsel for the petitioners would submit that order dated 10.7.2015 has been issued directing recovery of certain amount, which is to be 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 10.7.2015.

1 (2015) 4 SCC 334

2 2006 (2) MPHT 31 (CG)

3 2010 (3) CGLJ 400

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 fixation 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

L/-