

HIGH COURT OF CHHATTISGARH, BILASPUR**WP(S) No.223 Of 2016**

Sukalu Potai, S/o Lakhamu Ram Potai, aged about 42 years, Posted as Teacher Panchayat, at Middle School, Benoor, Narayanpur, R/o Narayanpur, Police Station-Narayanpur, Civil District – Bastar, Revenue District – Narayanpur (C.G.)

---- 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 – Narayanpur, Civil District-Bastar, 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

WP(S) No. 224 Of 2016

Birjoram Potai, S/o Suklal Potai, aged about 38 years, Posted as Teacher Panchayat, at Middle School, Bhatpal, Narayanpur, R/o Narayanpur, Police Station – Narayanpur, Civil District – Bastar, Revenue District -Narayanpur (C.G.)

---- 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

WP(S) No. 225 Of 2016

Poshanlal Rahangdale, S/o Fogal Lal Rahangdale, aged about 43 years, Posted as Lecturer Panchayat, at Government Higher Secondary School, Edka, Narayanpur, R/o Narayanpur, Police Station – Narayanpur, Civil District – Bastar, Revenue District -Narayanpur (C.G.)

---- 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

WP(S) No. 226 Of 2016

Abhimanyu Patra, S/o Ram Singh Patra, aged about 40 years, Posted as Teacher Panchayat, at Middle School, Kukdajhor, Narayanpur, R/o Narayanpur, Police Station – Narayanpur, Civil District- Bastar, Revenue District – Narayanpur (C.G.)

---- 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

WP(S) No. 227 Of 2016

Balbhadra Dewangan, S/o Suraj Ram Dewangan, aged about 43 years, Posted as Teacher Panchayat, at Government Middle School, Naumunmeta, Narayanpur, R/o Narayanpur, Police Station- Narayanpur, Civil District -Bastar, Revenue District -Narayanpur (C.G.)

---- 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

WP(S) No. 229 Of 2016

Ramlal Dewangan, S/o Sukkuram Dewangan, aged about 50 years, Posted as Lecturer Panchayat, at Higher Secondary School, Bhatpal, Narayanpur, R/o Narayanpur, Police Station and Revenue District -Narayanpur, Civil District – Bastar (C.G.)

---- **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. 246 Of 2016

Dukhitram Sahu, S/o Ubhay Ram Sahu, aged about 49 years, Posted as Lecturer Panchayat, at Government Higher Secondary School, Mahima Gaudi, Narayanpur, R/o Narayanpur, Civil District Bastar (C.G.)

---- **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- Narayanpur, Civil District -Bastar, Revenue District Narayanpur (C.G.)
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
Shukla, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

21/01/2016

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

1 (2015) 4 SCC 334

2 2006 (2) MPHT 31 (CG)

3 2010 (3) CGLJ 400

authority, unmindful of settled legal position, has issued the impugned order dated 10.7.2015.

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

D/-