

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WRIT APPEAL NO. 88 OF 2016

Badrinath Tiwari, S/o Shri Ram Mani Tiwari, aged about 44 years, working as Peon, Government Adarsh Higher Secondary School, Jashpur Nagar, District- Jashpur (C.G.)

... Appellant

Versus

1. State of Chhattisgarh, through the Secretary, Scheduled Caste & Scheduled Tribe Development Department, Mahanadi Bhawan, New Raipur, P.S.- Rakhi, District- Raipur (C.G.)
2. The Commissioner, Department of Scheduled Caste & Scheduled Tribe Development Chhattisgarh, Raipur (C.G.)
3. The Collector (Scheduled Tribe Welfare Branch), District- Jashpur (C.G.)
4. The Principal, Government Aadarsh Higher Secondary School, Jashpur Nagar, District- Jashpur (C.G.)

... Respondents

For Appellant	:	Mr. Harish Khuntia, Advocate.
For Respondents	:	Mr. R.K. Gupta, Deputy Advocate General.

Hon'ble Shri Navin Sinha, Chief Justice

Hon'ble Shri Justice P. Sam Koshy

Judgment on Board

Per NAVIN SINHA, C.J.

25/02/2016

1. The present appeal arises from order dated 15.1.2016 in Writ Petition (S) No. 4731 of 2015. The order for recovery against the Appellant stated to be a Class-IV employee has been set aside as being in violation of the provisions of natural justice but granting opportunity to the Respondents to proceed afresh in accordance with law.
2. Counsel for the parties are agreed that the writ appeal may be disposed in similar terms as the order dated 1.2.2016 in Writ Appeal No. 39 of 2016.

3. In the event that any partial recovery has been made in the meantime, in view of paragraph 18 of (2015) 4 SCC 334 [State of Punjab and others v. Rafiq Masih (White Washer) and others] that it was impermissible, it is required to be refunded.

4. The writ appeal is disposed in the aforesaid terms.

Sd/-
(Navin Sinha)
Chief Justice

Sd/-
(P. Sam Koshy)
Judge

/Sharad/