

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 5700 of 2008**

L.N.Painkra S/o Shri B.S.Painkra, Aged about 45 years, Working as a Sub Engineer at Water Resources Department, Canal Division-3, Sakti R/o C/o Sanat Dubey, Behind Hanu Traders, Sarkanda, Bilaspur Chhattisgarh.

---- Petitioner**Versus**

1. State of Chhattisgarh, Through Secretary, Panchayat and Rural Development Department, DKS Bhawan, Raipur, Chhattisgarh.
2. Executive Engineer, Rural Engineering Service, Kota, District Bilaspur, Chhattisgarh.
3. The Collector, District Program and Statistics Raigarh, District Raigarh, Chhattisgarh.

---- Respondents

For Petitioner : Smt. Hamida Siddique, Advocate.
 For Respondent/State : Smt. Smita Ghai, Panel Lawyer.

Hon'ble Shri Navin Sinha, Chief Justice**Order on Board****13/04/2016**

1. The writ application arises from order dated 17.6.2008 passed by Respondent No. 3, Collector, Raigarh.
2. Heard Learned Counsel for the Petitioner and the Respondents.
3. Even an order of recovery, imposing a minor punishment, even if no formal departmental proceedings are required, must comply with principles of natural justice by giving proper opportunity of defence. The Respondents gave a show cause notice to the Petitioner on 23.12.2005 relying upon certain technical reports and asking the Petitioner to examine the records if he so desired. The Petitioner replied on 13.3.2006 asking for copies of the technical inquiry report and

other necessary information which was not responded and the impugned order dated 17.6.2008 was passed. The final order dated 17.6.2008 directing recovery of Rs. 27.59 lacs does not even refer to the representation of the Petitioner asking for certain documents to facilitate filing of a proper reply to the show cause much less is there any discussion that the documents being asked for were frivolous, not relevant to the controversy or that the Petitioner on that pretext was avoiding to file reply. The order dated 17.6.2008 is therefore held to be not sustainable in its present form but without prejudice to the rights of the Respondents afresh in accordance with law.

4. The writ application is allowed.

Sd/-

(Navin Sinha)
CHIEF JUSTICE