

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 972 of 2016**

- Khemraj Dewangon S/o Shri Gagra Ram Dewangon, Aged About 43 Years, Posted as Teacher Panchayat, At Govt. High School, Khairabhat, Narayanpur, R/o Narayanpur, Police Station Narayanpur, Civil District Kondagaon, Revenue District Narayanpur (Chhattisgarh).

---- Petitioner**Versus**

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

---- Respondents**AND****WPS No. 973 Of 2016**

- Smt. Sunita Samrath, W/o Shri R.K. Samrath, Aged About 40 Years Posted As Teacher Panchayat, At Govt. Middle School, Khairbhat, Narayanpur, R/o Narayanpur, Police Station Narayanpur, Civil District Kondagaon, Revenue District Narayanpur (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through : Secretary, Panchayat & Rural Development Department, Mahanadi Bhawan, Mantralaya, Capital Complex, Naya Raipur, District Raipur (Chhattisgarh).
2. Collector, Narayanpur, Police Station Narayanpur, Civil District Kondagaon, Revenue District Narayanpur (Chhattisgarh).
3. Deputy Director, Local Fund Audit, Jagdalpur, Civil And Revenue District Bastar (Chhattisgarh).

4. Janpad Panchayat Narayanpur, Through Its Chief Executive Officer Janpad Panchayat Narayanpur, Police Station Narayanpur, Civil District Kondagaon, Revenue District Narayanpur (Chhattisgarh).
5. Chief Executive Officer Janpad Panchayat Narayanpur, Police Station Narayanpur, Civil District Kondagaon, Revenue District Narayanpur (Chhattisgarh).

---- Respondents

And

WPS No. 974 Of 2016

- Smt. Sarita Yadav, W/o Shri Narendra Kumar Yadav, Aged About 40 Years, Posted as Lecturer Panchayat, At Govt. High School, Dhhaudai, Narayanpur, R/o Narayanpur, Police Station, Civil District Kondagaon, Revenue District Narayanpur, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through: Secretary, Panchayat & Rural Development Department, Mahanadi Bhawan, Mantralaya, Capital Complex, Naya Raipur, District Raipur, (Chhattisgarh).
2. Collector, Narayanpur, Police Station Narayanpur, Civil District Kondagaon, Revenue District Narayanpur (Chhattisgarh).
3. Deputy Director, Local Fund Audit, Jagdalpur, Civil And Revenue District Bastar (Chhattisgarh).
4. Janpad Panchayat Narayanpur, Through Its Chief Executive Officer Janpad Panchayat Narayanpur, Police Station Narayanpur, Civil District Kondagaon, Revenue District Narayanpur (Chhattisgarh).
5. Chief Executive Officer Janpad Panchayat Narayanpur, Police Station Narayanpur, Civil District Kondagaon, Revenue District Narayanpur (Chhattisgarh).

---- Respondents

And

WPS No. 975 Of 2016

- Bharat Baghel S/o Shri Balram Baghel, Aged About 43 Years Posted As Teacher Panchayat, At Govt. High School, Dhhaudai, Narayanpur, R/o Narayanpur, Police Station Narayanpur, Civil District Kondagaon, Revenue District Narayanpur (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through : Secretary, Panchayat & Rural Development Department, Mahanadi Bhawan, Mantralaya, Capital Complex, Naya Raipur, District Raipur (Chhattisgarh).
2. Collector, Narayanpur, Police Station Narayanpur, Civil District Kondagaon, Revenue District Narayanpur (Chhattisgarh).
3. Deputy Director, Local Fund Audit, Jagdalpur, Civil And Revenue District Bastar (Chhattisgarh).
4. Janpad Panchayat Narayanpur, Through Its Chief Executive Officer Janpad Panchayat Narayanpur, Police Station Narayanpur, Civil District Kondagaon, Revenue District Narayanpur (Chhattisgarh).
5. Chief Executive Officer Janpad Panchayat Narayanpur, Police Station Narayanpur, Civil District Kondagaon, Revenue District Narayanpur (Chhattisgarh).

---Respondents

AND

WPS No. 983 Of 2016

- Smt. Maya Kasar, W/o Shri Dilip Kasar, Aged About 38 Years Posted As Teacher Panchayat, at Govt. Middle School, Halamimunjmeta, Narayanpur, R/o Narayanpur, Police Station Narayanpur, Civil District Kondagaon, Revenue District Narayanpur Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Thorough Secretary, Panchayat & Rural Development Department, Mahanadi Bhawan, Mantralaya, Capital Complex, Naya Raipur, District Raipur Chhattisgarh.
2. Collector, Narayanpur, Police Station Narayanpur, Civil District Kondagaon, Revenue District Narayanpur (Chhattisgarh).
3. Deputy Director, Local Fund Audit, Jagdalpur, Civil And Revenue District Bastar (Chhattisgarh).
4. Janpad Panchayat Narayanpur, Through Its Chief Executive Officer Janpad Panchayat Narayanpur, Police Station Narayanpur, Civil District Kondagaon, Revenue District Narayanpur (Chhattisgarh).
5. Chief Executive Officer Janpad Panchayat Narayanpur, Police Station Narayanpur, Civil District Kondagaon, Revenue District Narayanpur (Chhattisgarh)

972---- Respondents

And

WPS No. 984 Of 2016

- Anusuya Nayak, W/o Shri Balram Singh Nayak, Aged About 38 Years, Posted As Teacher Panchayat, At Govt. Boys Middle Ashram School, Gadhbegal, Narayanpur, R/o Narayanpur, Police Station Narayanpur, Civil District Kondagaon, Revenue District Narayanpur (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through : Secretary, Panchayat & Rural Development Department, Mahanadi Bhawan, Mantralaya, Capital Complex, Naya Raipur, District Raipur (Chhattisgarh).
2. Collector, Narayanpur, Police Station Narayanpur, Civil District Kondagaon, Revenue District Narayanpur (Chhattisgarh).
3. Deputy Director, Local Fund Audit, Jagdalpur, Civil And Revenue District Bastar (Chhattisgarh).
4. Janpad Panchayat Narayanpur, Through Its Chief Executive Officer Janpad Panchayat Narayanpur, Police Station Narayanpur, Civil District Kondagaon, Revenue District Narayanpur (Chhattisgarh).
5. Chief Executive Officer Janpad Panchayat Narayanpur, Police Station Narayanpur, Civil District Kondagaon, Revenue District Narayanpur (Chhattisgarh).

---- Respondents**And****WPS No. 985 Of 2016**

- Smt. Khileshwari Dewangon, W/o Shri Balbhadra Dewangan, Aged About 38 Years, Posted As Teacher Panchayat, At Govt. Middle School, Doomertarai, Narayanpur, R/o Narayanpur, Police Station Narayanpur, Civil District Kondagaon, Revenue District Narayanpur, (Chhattisgarh).

---- Petitioner**Versus**

1. State Of Chhattisgarh Through: Secretary, Panchayat & Rural Development Department, Mahanadi Bhawan, Mantralaya, Capital Complex, Naya Raipur, District Raipur, (Chhattisgarh).
2. Collector, Narayanpur, Police Station Narayanpur, Civil District Kondagaon, Revenue District Narayanpur (Chhattisgarh).
3. Deputy Director, Local Fund Audit, Jagdalpur, Civil And Revenue District Bastar (Chhattisgarh).
4. Janpad Panchayat Narayanpur, Through Its Chief Executive Officer Janpad Panchayat Narayanpur, Police Station Narayanpur, Civil District Kondagaon, Revenue District

Narayanpur (Chhattisgarh).

5. Chief Executive Officer Janpad Panchayat Narayanpur, Police Station Narayanpur, Civil District Kondagaon, Revenue District Narayanpur (Chhattisgarh).

---- Respondents

And

WPS No. 977 Of 2016

- Gokulnath Yadav S/o Shri Kamal Singh Yadav, Aged About 44 Years, Posted As Teacher Panchayat, At Middle School, Durkadongari, Narayanpur, R/o Narayanpur, Police Station Narayanpur, Civil District Kondagaon, Revenue District Narayanpur (Chhattisgarh).

---- Petitioner

Versus

1. State Of Chhattisgarh Through : Secretary, Panchayat & Rural Development Department, Mahanadi Bhawan, Mantralaya, Capital Complex, Naya Raipur, District Raipur (Chhattisgarh).
2. Collector, Narayanpur, Police Station Narayanpur, Civil District Kondagaon, Revenue District Narayanpur (Chhattisgarh).
3. Deputy Director, Local Fund Audit, Jagdalpur, Civil And Revenue District Bastar (Chhattisgarh).
4. Janpad Panchayat Narayanpur, Through Its Chief Executive Officer Janpad Panchayat Narayanpur, Police Station Narayanpur, Civil District Kondagaon, Revenue District Narayanpur (Chhattisgarh).
5. Chief Executive Officer Janpad Panchayat Narayanpur, Police Station Narayanpur, Civil District Kondagaon, Revenue District Narayanpur (Chhattisgarh).

---- Respondents

And

WPS No. 976 Of 2016

- Godavari Dehari, W/o Shri Pooran Singh Dehari, Aged About 42 Years, Posted As Teacher Panchayat, At Govt. High School, Bhatpal, Narayanpur, R/o Narayanpur, Police Station Narayanpur, Civil District Kondagaon, Revenue District Narayanpur, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through: Secretary, Panchayat & Rural Development Department, Mahanadi Bhawan, Mantralaya, Capital Complex, Naya Raipur, District Raipur, (Chhattisgarh).

2. Collector, Narayanpur, Police Station Narayanpur, Civil District Kondagaon, Revenue District Narayanpur (Chhattisgarh).
3. Deputy Director, Local Fund Audit, Jagdalpur, Civil And Revenue District Bastar (Chhattisgarh).
4. Janpad Panchayat Narayanpur, Through Its Chief Executive Officer Janpad Panchayat Narayanpur, Police Station Narayanpur, Civil District Kondagaon, Revenue District Narayanpur (Chhattisgarh).
5. Chief Executive Officer Janpad Panchayat Narayanpur, Police Station Narayanpur, Civil District Kondagaon, Revenue District Narayanpur (Chhattisgarh).

---- Respondents

And

WPS No. 986 Of 2016

- Smt. Pranita Bansod, W/o Shri Rajesh Kumar Bansod, Aged About 38 Years, Posted as Teacher Panchayat, At Govt. Middle School, Devgaon, Narayanpur, R/o Narayanpur, Police Station Narayanpur, Civil District Kondagaon, Revenue District Narayanpur, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through: Secretry, Pnchayat & Rural Development Department, Mahanadi Bhawn, Mantralaya, Capital Complex, Naya Raipur, District Raipur, (Chhattisgarh).
2. Collector, Narayanpur, Police Station Narayanpur, Civil District Kondagaon, Revenue District Narayanpur (Chhattisgarh).
3. Deputy Director, Local Fund Audit, Jagdalpur, Civil And Revenue District Bastar (Chhattisgarh).
4. Janpad Panchayat Narayanpur, Through Its Chief Executive Officer Janpad Panchayat Narayanpur, Police Station Narayanpur, Civil District Kondagaon, Revenue District Narayanpur (Chhattisgarh).
5. Chief Executive Officer Janpad Panchayat Narayanpur, Police Station Narayanpur, Civil District Kondagaon, Revenue District Narayanpur (Chhattisgarh).

---- Respondents

And

WPS No. 979 Of 2016

- Smt. Bharti Dugga, W/o Shri Ganesh Prasad Dugga, Aged About 35 Years, Posted As Teacher Panchayat, At Govt. Middle School, Bijli, Narayanpur, R/o Narayanpur, Police Station Narayanpur, Civil District Kondagaon, Revenue District Narayanpur

(Chhattisgarh) .

---- Petitioner

Versus

1. State Of Chhattisgarh Through : Secretary, Panchayat & Rural Development Department, Mahanadi Bhawan, Mantralaya, Capital Complex, Naya Raipur, District Raipur (Chhattisgarh).
2. Collector, Narayanpur, Police Station Narayanpur, Civil District Kondagaon, Revenue District Narayanpur (Chhattisgarh).
3. Deputy Director, Local Fund Audit, Jagdalpur, Civil And Revenue District Bastar (Chhattisgarh).
4. Janpad Panchayat Narayanpur, Through Its Chief Executive Officer Janpad Panchayat Narayanpur, Police Station Narayanpur, Civil District Kondagaon, Revenue District Narayanpur (Chhattisgarh).
5. Chief Executive Officer Janpad Panchayat Narayanpur, Police Station Narayanpur, Civil District Kondagaon, Revenue District Narayanpur (Chhattisgarh).

---- Respondents

And

WPS No. 988 Of 2016

- Mainuram Potai, S/o Late Shri Birjhu Ram, Aged About 45 Years Posted as Teacher Panchayat, At Govt. Middle School, Halami Munjmeta, Narayanpur, R/o Narayanpur, Police Station Narayanpur, Civil District Kondagaon, Revenue District Narayanpur (Chhattisgarh).

---- Petitioner

Versus

1. State Of Chhattisgarh Through : Secretary, Panchayat & Rural Development Department, Mahanadi Bhawan, Mantralaya, Capital Complex, Naya Raipur, District Raipur (Chhattisgarh).
2. Collector, Narayanpur, Police Station Narayanpur, Civil District Kondagaon, Revenue District Narayanpur (Chhattisgarh).
3. Deputy Director, Local Fund Audit, Jagdalpur, Civil And Revenue District Bastar (Chhattisgarh).
4. Janpad Panchayat Narayanpur, Through Its Chief Executive Officer Janpad Panchayat Narayanpur, Police Station Narayanpur, Civil District Kondagaon, Revenue District Narayanpur (Chhattisgarh).
5. Chief Executive Officer Janpad Panchayat Narayanpur, Police Station Narayanpur, Civil District Kondagaon, Revenue District Narayanpur (Chhattisgarh).

---- Respondents

And

WPS No. 980 Of 2016

- Smt. Sangeeta Pandey, W/o Shri Mahesh Pandey, Aged About 39 Years, Posted as Lecturer Panchayat, At Basic Girls High School, Bhatpal, Narayanpur, R/o Narayanpur, Police Station, Civil District Kondagaon, Revenue District Narayanpur, (Chhattisgarh).

---- Petitioner

Versus

1. State Of Chhattisgarh Through: Secretary, Panchayat & Rural Development Department, Mahanadi Bhawan, Mantralaya, Capital Complex, Naya Raipur, District Raipur, (Chhattisgarh).
2. Collector, Narayanpur, Police Station Narayanpur, Civil District Kondagaon, Revenue District Narayanpur (Chhattisgarh).
3. Deputy Director, Local Fund Audit, Jagdalpur, Civil And Revenue District Bastar (Chhattisgarh).
4. Janpad Panchayat Narayanpur, Through Its Chief Executive Officer Janpad Panchayat Narayanpur, Police Station Narayanpur, Civil District Kondagaon, Revenue District Narayanpur (Chhattisgarh).
5. Chief Executive Officer Janpad Panchayat Narayanpur, Police Station Narayanpur, Civil District Kondagaon, Revenue District Narayanpur (Chhattisgarh).

---- Respondents

And

WPS No. 987 Of 2016

- Mangluram Nag, S/o Chainuram Nag, Aged About 42 Years Posted as Teacher Panchayat, At Middle School, Khairamat, Narayanpur, R/o Narayanpur, Police Station Narayanpur, Civil District Kondagaon, Revenue District Narayanpur (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through : Secretary, Panchayat & Rural Development Department, Mahanadi Bhawan, Mantralaya, Capital Complex, Naya Raipur, District Raipur (Chhattisgarh).
2. Collector, Narayanpur, Police Station Narayanpur, Civil District Kondagaon, Revenue District Narayanpur (Chhattisgarh).
3. Deputy Director, Local Fund Audit, Jagdalpur, Civil And Revenue District Bastar (Chhattisgarh).

4. Janpad Panchayat Narayanpur, Through Its Chief Executive Officer Janpad Panchayat Narayanpur, Police Station Narayanpur, Civil District Kondagaon, Revenue District Narayanpur (Chhattisgarh).
5. Chief Executive Officer Janpad Panchayat Narayanpur, Police Station Narayanpur, Civil District Kondagaon, Revenue District Narayanpur (Chhattisgarh).

---- Respondents

And

WPS No. 982 Of 2016

- Smt. Mamta Yadav W/o Shri Rupesh Yadav, Aged About 40 Years, Posted as Teacher Panchayat, At Govt. Higher Primary School, Nau Munjmeta, Narayanpur, R/o Narayanpur, Police Station Narayanpur, Civil District Kondagaon, Revenue District Narayanpur Chhattigarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Thorough Secretary, Panchayat & Rural Development Department, Mahanadi Bhawan, Mantralaya, Capital Complex, Naya Raipur, District Raipur Chhattisgarh.
2. Collector, Narayanpur, Police Station Narayanpur, Civil District Kondagaon, Revenue District Narayanpur (Chhattisgarh).
3. Deputy Director, Local Fund Audit, Jagdalpur, Civil And Revenue District Bastar (Chhattisgarh).
4. Janpad Panchayat Narayanpur, Through Its Chief Executive Officer Janpad Panchayat Narayanpur, Police Station Narayanpur, Civil District Kondagaon, Revenue District Narayanpur (Chhattisgarh).
5. Chief Executive Officer Janpad Panchayat Narayanpur, Police Station Narayanpur, Civil District Kondagaon, Revenue District Narayanpur (Chhattisgarh).

---- Respondents

And

WPS No. 978 Of 2016

- Yashoda Dugga, D/o Late R.R. Dugga, Aged About 42 Years Posted as Teacher Panchayat, At Govt. Middle School, Nelwad, Narayanpur, R/o Narayanpur, Police Station Narayanpur, Civil District Kondagaon, Revenue District Narayanpur, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through: Secretary, Panchayat & Rural

Development Department, Mahanadi Bhawan, Mantralaya, Capital Complex, Naya Raipur, District Raipur, (Chhattisgarh).

2. Collector, Narayanpur, Police Station Narayanpur, Civil District Kondagaon, Revenue District Narayanpur (Chhattisgarh).
3. Deputy Director, Local Fund Audit, Jagdalpur, Civil And Revenue District Bastar (Chhattisgarh).
4. Janpad Panchayat Narayanpur, Through Its Chief Executive Officer Janpad Panchayat Narayanpur, Police Station Narayanpur, Civil District Kondagaon, Revenue District Narayanpur (Chhattisgarh).
5. Chief Executive Officer Janpad Panchayat Narayanpur, Police Station Narayanpur, Civil District Kondagaon, Revenue District Narayanpur (Chhattisgarh).

---- Respondents

And

WPS No. 981 Of 2016

- Smt. Ramula Jain, W/o Shri Gangaram Jain, Aged About 42 Years, Posted as Teacher Panchayat, At Govt. Middle School, Singdotarai, Narayanpur, R/o Narayanpur, Police Station Narayanpur, Civil District Kondagaon, Revenue District Narayanpur, (Chhattisgarh).

---- Petitioner

Versus

1. State Of Chhattisgarh Through: Secretary, Panchayat & Rural Development Department, Mahanadi Bhawn, Mantralaya, Capital Complex, Naya Raipur, District Raipur, (Chhattisgarh).
2. Collector, Narayanpur, Police Station Narayanpur, Civil District Kondagaon, Revenue District Narayanpur (Chhattisgarh).
3. Deputy Director, Local Fund Audit, Jagdalpur, Civil And Revenue District Bastar (Chhattisgarh).
4. Janpad Panchayat Narayanpur, Through Its Chief Executive Officer Janpad Panchayat Narayanpur, Police Station Narayanpur, Civil District Kondagaon, Revenue District Narayanpur (Chhattisgarh).
5. Chief Executive Officer Janpad Panchayat Narayanpur, Police Station Narayanpur, Civil District Kondagaon, Revenue District Narayanpur (Chhattisgarh).

---- Respondents

For Petitioners : Mr. Vaibhav A. Goverdhan, Advocate in all cases

For Respondents/State : Mr. Dhiraj Wankhede, G.A. and Mr.
Adhiraj Surana, Dy.G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

04/04/2016

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