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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 1128 of 2016**

1. Union of India Through General Manager, SEC Railway, Bilaspur, Distt. Bilaspur, (Chhattisgarh)
2. General Manager (Vigilance) SEC Railways, Old GM's Office Buildings, Bilaspur, Distt. Bilaspur, (Chhattisgarh)
3. Sr.D.E.E. (OP), Office Of Sr.D.E.E. (OP) SEC Railway, Bilaspur, Distt. Bilaspur, (Chhattisgarh)
4. Sr. Divisional Personnel Officer, SEC Railway, Divisional Office, Bilaspur, Distt. Bilaspur, (Chhattisgarh)

---- Petitioners**Versus**

Gore Lal S/o Late Ramcharan Lal, Aged About 61 Years R/o House No. 380, Mathashree Apartment, Ward No. 36, Torwa Naka, Torwa, P.O./ Distt. Bilaspur, (Chhattisgarh)

---- Respondent

For Petitioners : Shri H.S. Ahluwalia, Advocate.

Hon'ble Shri Navin Sinha, Chief Justice
Hon'ble Shri P. Sam Koshy, J.

Order on Board**Per Navin Sinha, Chief Justice****18/04/2016**

1. The present application arises from order dated 17.12.2015 in O.A. No.203/00246 of 2014 passed by the Central Administrative Tribunal, Jabalpur Bench, Circuit Sitting, Bilaspur.
2. The Respondent was proceeded with departmentally and retired compulsorily on 27.5.2013 on the charge of having obtained employment on a false caste certificate as belonging to Scheduled Tribe. The appeal against the

same was also dismissed. Subsequently, on 20.6.2013/27.9.2013 the Appellants initiated fresh action for recovery of Rs. 7,08,405/- as payment stated to be wrongly obtained pursuant to further promotion in the reserved category. The Tribunal interfered with the latter on principle of double jeopardy.

3. We have heard Learned Counsel for the Petitioners and find no reason to interfere with the order of the Tribunal. Once the Petitioner imposed punishment for compulsorily retirement after a departmental proceeding, on the same issue no second punishment could be imposed by way of recovery invoking the principle of double jeopardy prohibited by Article 20(2) of the Constitution also. It is not in dispute that the Respondent had performed duties on the promotional post with regard to which the recovery is sought to be made and that too in violation of principles of natural justice.

4. The writ petition is dismissed.

Sd/-

(Navin Sinha)
CHIEF JUSTICE

Sd/-

(P. Sam Koshy)
JUDGE