

HIGH COURT OF CHHATTISGARH, BILASPUR**WP(S) No.4219 of 2015**

Sambhu Nath Mishra S/o Late Dawarika Prasad Mishra aged about 63 years R/o Raju Yadav Complex Near Pahuna Dukan Kedarpur, Ambikapur, P.S. & Tahsil Ambikapur, Distt.Surguja (CG)

---- **Petitioner**

Versus

1. State of Chhattisgarh Through-the Secretary, Department of Revenue, Mahanadi Bhawan, New Raipur, Distt-Raipur (CG)
2. The Joint Director, Treasury, Accounts and Pension, Ambikapur, Distt-Surguja (CG)
3. The Collector Surguja (Ambikapur), Distt-Surguja (CG)

---- **Respondents**

For Petitioner	:	Mr.A.N.Pandey, Advocate
For Respondents/State	:	Mr.Avinash Singh, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

18/01/2016

1. Learned counsel for the petitioner would submit that the petitioner has been retired from the post of Revenue Inspector (Assistant Grade-III) on 30.6.2012 and notice dated 7.10.2015 (Annexure P/1) has been issued for recovery of ₹57617/- by the respondent No.3 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**

¹ (2015) 4 SCC 334

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Chhattisgarh) and others² and Ramchandra Kurup v. State of C.G. & others³.

2. 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 notice dated 7.10.2015.
3. 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 petitioner 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 his salary. The aforesaid exercise shall be completed within a period of three months from the date of receipt of certified copy of this order.
4. With the aforesaid observation, the writ petition stands finally disposed of. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
JUDGE

B/-

2 2006 (2) MPHT 31 (CG)
3 2010 (3) CGLJ 400