

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
Writ Petition (S) No. 3639 of 2016

R. Y. Tiwari S/o Shri R.S. Tiwari, Aged About 57 Years R/o Professor Colony Sector No. 2 Road No. 1 Raipur Chhattisgarh

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Agriculture, Mahanadi Bhawan, Mantralaya, Naya Raipur Chhattisgarh
2. State Of Chhattisgarh Through Secretary Department Of Panchayat Mahandi Bhawan, Mantralaya Naya Raipur Chhattisgarh
3. Collector, District Rajnandgaon Chhattisgarh
4. Director Department Of Agriculture, Directorate Of Agriculture Labhandi Raipur Chhattisgarh
5. Dy. Director Department Of Agriculture Rajnandgaon, District Rajnandgaon Chhattisgarh
6. Sub Divisional Officer, Irrigation Department, Zone 1, Rajnandgaon District Rajnandgaon Chhattisgarh
7. Chief Executive Officer, Zila Panchayat Rajnandgaon District Rajnandgaon Chhattisgarh
8. Lokpal Chhattisgarh Log Ayukat Rajnandgaon Chhattisgarh
9. B.S. Chandra Anurekhak O/o Sahayak Bhumi Shanrakshan Adhikari, Rajnandgaon, District Rajnandgaon Chhattisgarh
10. A.K. Sharma, Agriculture Development Officer, O/o Sahayak Bhu Sarankshan Adhikari, Rajnandgaon Chhattisgarh At Present O/o Senior Agriculture Development Officer, Block Durg, District Durg Chhattisgarh
11. O.P. Meshram, Surveyor O/o Sahayak Bhumi Sarankshan Adhikari, Rajnandgaon Chhattisgarh Present Agriculture Development Officer O/o Senior Agriculture, Development Officer, Block Ambagarh Chwoki, District Rajnandgaon Chhattisgarh

---- **Respondents**

For Petitioner	:	Ms. Renu Kochar, Advocate
For Respondent-State	:	Mr. Shangharsh Pandey, Dy. Govt. Advocate, on advance copy.

Hon'ble Shri Manindra Mohan Shrivastava, J.

Order on Board

11/08/2016

Heard on admission.

1. This petition is directed against memo dated 19/07/2016, by which, a recommendation has been made by the Chief Executive Officer, Janpad Panchayat to Director, Agriculture for taking disciplinary action and recovery.
2. Learned counsel for the petitioner submits that the recommendation has been made on the basis of enquiry conducted behind the back of the petitioner. It is submitted that while making a recommendation of recovery, the Chief Executive Officer has ignored from consideration memo dated 19/07/2016 to the State Government. At this stage, this petition appears to be premature.
3. In the preliminary enquiry, a prima facie case having been made, recommendation has been given to the Director, Agriculture. It is presumed that every public authority shall act in accordance with law. There is no reason for this Court to hold that, Director, Agriculture will not act in accordance with law. The petitioner is Government servant. In the matter of imposition of recovery, the authority shall act in accordance with law before taking any penal action against the petitioner. In the event, show cause notice is issued to the petitioner by Director, Agriculture, it is open for the petitioner to submit his reply.
4. In view of the above, writ petition is dismissed.

Sd/-

(Manindra Mohan Shrivastava)
Judge