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HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5545 of 2017

- A. Sri Ram Assistant Professor D.P.Vipra College Bilaspur,
S/o Shri J.M.Rao, Aged 44 Years, R/o Ramdas Nagar,
Tikrapara Bilaspur, District Bilaspur, Chhattisgarh

---- Petitioner

Versus

1. State of Chhattisgarh Through the Secretary to the Govt.
of Chhattisgarh Department of Higher Education
Mandtralaya: Mahanadi Naya Raipur: PS-Rakhi, Raipur
CG.
2. The Governing Body (Constituted under Statute 28 of
College Code of C.G. Vishwavidyala Adhinium 1973 of
D.P.Vipra College) Through the Secretary to the
Governing Body Office Of Principal D.P. Vipra College
Old High Court Road Bilaspur, Chhattisgarh
3. D.P.Vipra College Through The Principal D.P.Vipra
College Old High Court Road Bilaspur, Chhattisgarh
4. The Principal, D.P.Vipra College Old High Court Road
Bilaspur, Chhattisgarh
5. Snatak Mahavidyalaya Shikshan Samiti Through The
Chairman Snatak Mahavidyalaya Shikshan Samiti
D.P.Vipra College Old High Court Road, Bilaspur, P.S.
City Kotwali Bilaspur, Chhattisgarh

---- Respondent

And

WPS No. 5555 Of 2017

- Dr. Smt. Subhrajya Pandey W/o Shri Abdul Mazid Khan,
Assistant Professor D. P. Vipra College Bilaspur, R/o
Vijaya Puram Seepat Road Bilaspur Distt. Bilaspur
Chhattisgarh.

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary To The
Govt. Of Chhattisgarh, Department Of Higher Education,
Mantrayala, Mahanadi Bhawan, Naya Raipur, P. S.
Rakhi , District Raipur Chhattisgarh.
2. The Governing Body, (Constituted Under Status 28 Of
College Code Of C. G. Vishwavidyalaya Adhimum 1973 Of
D. P. Vipra College) Through The Secretary To The
Governing Body, Office Of Principal D. P. Vipra College,
Old High Court Road Bilaspur Chhattisgarh
3. D. P. Vipra College, Through The Principal D. P. Vipra
College, Old High Court Road Bilaspur Chhattisgarh
4. The Principal, D. P. Vipra College, Old High Court Road
Bilaspur Chhattisgarh
5. Snatak Mahavidyalaya Shikshan Samiti, Through The
Chairman, Snatak Mahavidyalaya Shikshan Samiti, D. P.
Vipra College, Old High Court Road Bilaspur P S City
Kotwali Chhattisgarh

---- Respondent

And

WPS No. 5554 Of 2017

- Dr. Smt. Reenu Nair Assistant Professor D.P.Vipra College
Bilaspur W/o Shri Vinit Nair, R/o Sahagal Gali, Vidya
Nagar Bilaspur District Bilaspur Chhattisgarh.

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary To The
Govt. Of Chhattisgarh Department Of Higher Education
Mantralaya Mahanadi Bhawan, Naya Raipur, Police
Station Rakhi, Raipur Chhattisgarh.
2. The Governing Body (Constituted Under Statute 28 Of
College Code Of Chhattisgarh Vishwavidyalaya Adhinium
1973 Of D.P.Vipra College) Through The Secretary To
The Governing Body Office Of Principal D.P.Vipra College
Old High Court Road Bilaspur Chhattisgarh.
3. D.P.Vipra College Through The Principal D.P. Vipra
College Old High Court Road Bilaspur Chhattisgarh.
4. The Principal, D.P. Vipra College Old High Court Road
Bilaspur Chhattisgarh.
5. Snatak Mahavidyalaya Shikshan Samiti Through The
Chairman Snatak Mahavidyalaya Shikshan Samiti D.P.
Vipra College, Old High Court Road, Bilaspur, Police
Station City Kotwali, Bilaspur Chhattisgarh.

---- Respondent

And

WPS No. 5547 Of 2017

- Dr. Smt. Smriti Rani Prakash Assistant Professor
D.P.Vipra College Bilaspur W/o Shri Vijay Prakash, Aged
39 Yrs R/o Near Mahila Thana, Masanganj Bilaspur
District Bilaspur Chhattisgarh.

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary To The
Govt. Of Chhattisgarh. Department Of Higher Education
Mantralaya Mahanadi Bhawan, Naya Raipur, Police
Station Rakhi, Raipur Chhattisgarh.
2. The Governing Body (Constituted Under Statute 28 Of
College Code Of Chhattisgarh Vishwavidyalaya Adhinium
1973 Of D.P.Vipra College) Through The Secretary To
The Governing Body Office Of Principal D.P.Vipra College
Old High Court Road Bilaspur Chhattisgarh.
3. D.P.Vipra College Through The Principal D.P.Vipra
College Old High Court Road Bilaspur Chhattisgarh.
4. The Principal, D.P. Vipra College Old High Court Road
Bilaspur Chhattisgarh.
5. Snatak Mahavidyalaya Shikshan Samiti Through The
Chairman Snatak Mahavidyalaya Shikshan Samiti
D.P.Vipra College Old High Court Road, Bilaspur, Police
Station City Kotwali Bilaspur Chhattisgarh.

---- Respondent

And

WPS No. 5553 Of 2017

- Smt. Snehlata Mishra W/o Shri Manoj Mishra Aged About

41 Years Assistant Professor, D. P. Vipra College Bilaspur,
R/o Triveni Nagar, New Sarkanda, Bilaspur, District
Bilaspur, Chhattisgarh.

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary To The
Govt. Of Chhattisgarh, Department Of Higher Education
Mantralaya, Mahanadi Bhawan, Naya Raipur, Police
Station Rakhi, Raipur, Chhattisgarh.
2. The Governing Body (Constituted Under Statute 28 Of
College Code Of Chhattisgarh Vishwavidyalaya Adhinium
1973 Of D. P. Vipra College) Through The Secretary To
The Governing Body, Office Of Principal D. P. Vipra
College, Old High Court Road, Bilaspur, Chhattisgarh.
3. D. P. Vipra College Through: The Principal, D. P. Vipra
College, Old High Court Road Bilaspur, Chhattisgarh.
4. The Principal, D. P. Vipra College Old High Court Road,
Bilaspur, Chhattisgarh.
5. Snatak Mahavidyalaya Shikshan Samiti, Through: The
Chairman, Snatak Mahavidyalaya Shikshan Samiti, D. P.
Vipra College: Old High Court Road, Bilaspur, Police
Station City Kotwali, Bilaspur, Chhattisgarh.

---- Respondent

And

WPS No. 5568 Of 2017

- Smt. Suchi Choudhary W/o Shri Ritesh Choudhary Aged
About 42 Years Assistant Professor, D. P. Vipra College,

Bilaspur, R/o Govardhan Bada, Tilak Nagar, Bilaspur,
District Bilaspur, Chhattisgarh.

---- Petitioner

Vs

1. State Of Chhattisgarh Through : The Secretary To The
Govt. Of Chhattisgarh, Department Of Higher Education
Mantralaya, Mahanadi Bhawan, Naya Raipur, Police
Station Rakhi, Raipur, Chhattisgarh.
2. The Governing Body (Constituted Under Statute 28 Of
College Code Of C. G. Vishwavidyalaya Adhinium 1973
Of D. P. Vipra College), Through The Secretary To The
Governing Body, Office Of Principal, D. P. Vipra College,
Old High Court Road, Bilaspur, Chhattisgarh.
3. D. P. Vipra College Through: The Principal, D. P. Vipra
College, Old High Court Road Bilaspur, Chhattisgarh.
4. The Principal, D. P. Vipra College Old High Court Road,
Bilaspur, Chhattisgarh.
5. Snatak Mahavidyalaya Shikshan Samiti, Through: The
Chairman, Snatak Mahavidyalaya Shikshan Samiti, D. P.
Vipra College: Old High Court Road, Bilaspur, Police
Station City Kotwali, Bilaspur, Chhattisgarh.

---- Respondent

And

WPS No. 5564 Of 2017

- Dr. Oorja Ranjan Sinha W/o Shri R. R. Sinha Aged About
45 Years Assistant Professor, D. P. Vipra College Bilaspur,
R/o B-8, Phase I I , Rajkishore Nagar Bilaspur, District

Bilaspur, Chhattisgarh.

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary To The Govt. Of Chhattisgarh, Department Of Higher Education Mantralaya, Mahanadi Bhawan, Naya Raipur, Police Station Rakhi, Raipur, Chhattisgarh.
2. The Governing Body (Constituted Under Statute 28 Of College Code Of C. G. Vishwavidyalaya Adhinium 1973 Of D. P. Vipra College) Through: The Secretary To The Governing Body Office Of Principal, D. P. Vipra College, Old High Court Road, Bilaspur, Chhattisgarh.
3. D. P. Vipra College Through: The Principal, D. P. Vipra College, Old High Court Road Bilaspur, Chhattisgarh.
4. The Principal, D. P. Vipra College Old High Court Road, Bilaspur, Chhattisgarh.
5. Snatak Mahavidyalaya Shikshan Samiti, Through: The Chairman, Snatak Mahavidyalaya Shikshan Samiti, D. P. Vipra College: Old High Court Road, Bilaspur, Police Station City Kotwali, Bilaspur, Chhattisgarh.

---- Respondent

And

WPS No. 5566 Of 2017

- Subir Sen Professor D.P.Vipra College, Bilaspur S/o Shri R.B.Sen, Aged 56 Years, R/o 17/361, Sarju Bagicha, Azad Nagar Bilaspur, District Bilaspur, Chhattisgarh

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary To The
Govt. Of Chhattisgarh Department Of Higher Education
Mantralaya Mahanadi Bhawan, Naya Raipur, P.S. Rakhi,
Raipur, Chhattisgarh
2. The Governing Body (Constituted Under Statute 28 Of
College Code Of C.G. Vishwavidyalaya Adhinium 1973 Of
D.P.Vipra College) Through The Secretary To The
Governing Body Office Of Principal D.P.Vipra College Old
High Court Road Bilaspur, Chhattisgarh
3. D.P.Vipra College Through The Principal D.P.Vipra
College Old High Court Road Bilaspur, Chhattisgarh
4. The Principal, D.P.Vipra College Old High Court Road
Bilaspur, Chhattisgarh
5. Snatak Mahavidyalaya Shikshan Samiti Through The
Chairman Snatak Mahavidyalaya Shikshan Samiti
D.P.Vipra College Old High Court Road, Bilaspur, P.S.
City Kotwali Bilaspur, Chhattisgarh

---- Respondent

And

WPS No. 5546 Of 2017

- Dr. R. N. Yadav S/o Shri R. S. Yadav Aged About 53 Years
Professor, D. P. Vipra College, Bilaspur, R/o Gali No. 4,
Bangalipara, New Sarkanda, Bilaspur, District Bilaspur,
Chhattisgarh.

---- Petitioner

Vs

1. State Of Chhattisgarh Through : The Secretary To The Govt. Of Chhattisgarh, Department Of Higher Education Mantralaya, Mahanadi Bhawan, Naya Raipur, Police Station Rakhi, Raipur, Chhattisgarh.
2. The Governing Body (Constituted Under Statute 28 Of College Code Of Chhattisgarh Vishwavidyalaya Adhinium 1973 Of D. P. Vipra College), Through : The Secretary To The Governing Body, Office Of Principal, D. P. Vipra College, Old High Court Road, Bilaspur, Chhattisgarh.
3. D. P. Vipra College Through: The Principal, D. P. Vipra College, Old High Court Road Bilaspur, Chhattisgarh.
4. The Principal, D. P. Vipra College Old High Court Road, Bilaspur, Chhattisgarh.
5. Snatak Mahavidyalaya Shikshan Samiti, Through: The Chairman, Snatak Mahavidyalaya Shikshan Samiti, D. P. Vipra College: Old High Court Road, Bilaspur, Police Station City Kotwali, Bilaspur, Chhattisgarh.

---- Respondent

And

WPS No. 5552 Of 2017

- Khagendra Kumar Soni Professor : D.P. Vipra College, Bilaspur S/o Shri N. R. Soni, Aged 51 Years R/o Madhuban Road Dayalband Bilaspur District Bilaspur Chhattisgarh.

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary To The Government Of Chhattisgarh, Department Of Higher Education Mantralaya : Mahanadi Bhawan Naya Raipur Police Station Rakhi Raipur Chhattisgarh.
2. The Governing Body (Constituted Under Statute 28 Of College Code Of Chhattisgarh Vishwavidyalaya Adhinium 1973 Of D. P. Vipra Collage) Through The Secretary To The Governing Body Office Of Principal D. P. Vipra College Old High Court Road Bilaspur Chhattisgarh.
3. D. P. Vipra College Through The Principal D. P. Vipra College Old High Court Road Bilaspur Chhattisgarh.
4. The Principal , D. P. Vipra College Old High Court Road Bilaspur Chhattisgarh.
5. Snatak Mahavidyalaya Shikshan Samiti, Through : The Chairman Snatak Mahavidyalaya Shikshan Samiti D. P. Vipra College : Old High Court Road Bilaspur, Police Station City Kotwali Bilaspur Chhattisgarh.

---- Respondent

And

WPS No. 5556 Of 2017

- Balraj Motwani Professor : D. P. Vipra College Bilaspur
S/o Shri G. K. Motwani, Aged 51 Years R/o 401, Sapsringi Apartment, Old Bus Stand Road Bilaspur , Distict Bilaspur Chhattisgarh.

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary To The

Government Of Chhattisgarh, Department Of Higher Education Mantralaya Mahanadi Bhawan, Naya Raipur Police Station Rakhi Raipur Chhattisgarh.

2. The Governing Body (Constituted Under Statute 28 Of College Code Of Chhattisgarh Vishwavidyalaya Adhinium 1973 Of D. P. Vipra Collage) Through The Secretary To The Governing Body Office Of Principal D. P. Vipra College Old High Court Road Bilapsur Chhattisgarh.
3. D. P. Vipra College Through The Principal D. P. Vipra College Old High Court Road Bilaspur Chhattisgarh.
4. The Principal D. P. Vipra College Old High Court Road Bilaspur Chhattisgarh.
5. Snatak Mahavidyalaya Shikshan Samiti, Through : The Chairman Snatak Mahavidyalaya Shikshan Samiti D. P. Vipra College : Old High Court Road Bilaspur, Police Station City Kotwali Bilaspur Chhattisgarh.

---- Respondent

For Petitioners	Shri Anurag Dayal Shrivastava, Advocate
For Respondents/State	Ms K. Tripti Rao and A. Pandey, P.L.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

25/10/2017

1. Learned counsel for the petitioners would submit that the

then Administrator of the college had sanctioned the earned leave and paid the salary for the period of three months in the year 2012. However, the present administrative body has straightaway proceeded to recover the amount by deducting in installments from the salary payable to the petitioners.

2. It is further argued that the said action of recovery from the salary has been initiated without giving any opportunity of hearing and, in fact, no order in writing has been passed or served on the petitioners before making the recovery. He would, thus, submit that the impugned action suffers from gross violation of principles of natural justice.
3. It is settled law that no orders causing civil consequences can be passed, without observing the rules of natural justice. The Supreme Court in **State of Punjab & Ors. v. Senior Vocational Staff Masters Association & Ors.** (AIR 2017 SC 4072) held thus in paras 20 & 21 :

20) It is by now well settled that no orders causing civil consequences can be passed, without observing rules of natural justice as it was held in [Bhagwan Shukla vs. Union of India & Ors.](#) AIR 1994 SC 2480 wherein it was held as under:

“3. We have heard learned counsel for the parties. That the petitioner's basic pay had been fixed since 1970 at Rs, 190 p.m. is not disputed.

There is also no dispute that the basic pay of the appellant was reduced to Rs. 181 p.m. from Rs. 190 p.m. in 1991 retrospectively w.e.f. 18.12.1970. The appellant has obviously been visited with civil consequences but he had been granted no opportunity to show-cause against the reduction of his basic pay. He was not, even put on notice before his pay was reduced by the department and the order came to be made behind his back without following any procedure known to law. There, has, thus, been a flagrant violation of the principles of natural justice and the appellant has been made to suffer huge financial loss without being heard. Fair play in action warrants that no such order which has the effect of an employee suffering civil consequences should be passed without putting the concerned to notice and giving him a hearing in the matter. Since, that was not done, the order

(memorandum) dated 25.7.1991. which was impugned before the Tribunal could not certainly be sustained and the Central Administrative Tribunal fell in error in dismissing the petition of the appellant. The order of the Tribunal deserves to be set aside. We, accordingly, accept this appeal and set aside the order of the Central Administrative Tribunal dated 17.9,1993 as well as the order (memorandum) impugned before the Tribunal dated 25.7.1991 reducing the basic pay of the appellant From Rs. 190 to Rs. 181 w.e.f. 18.12.1970.”

21) The order dated 16.07.2003 came to be made behind the back of vocational masters without following any procedure known to law. Thus, there has been a flagrant violation of the principles of natural justice and the respondents had been made to suffer huge financial loss without being heard. Fair play in action warrants that no such order which has the effect of an employee suffering civil consequences should be passed

without putting the concerned to notice and giving him a hearing in the matter.

4. In view of the above instead of keeping these petitions pending the same are allowed at the admission stage quashing the respondents' action of making recovery of the amount from the petitioners' salary. The respondent institution is directed to refund the amount to the petitioner, which has been deducted from their salary.
5. However, it is left open for the respondents to pass fresh order after giving proper adequate opportunity of hearing to the petitioners.

Sd/-

Judge

Prashant Kumar Mishra

Akhilesh