

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P. (S) No. 705 of 2016**

Munidas Vaishnav, son of Laxman Das Vaishnav, aged about 54 years, working as Assistant Grade-III, Govt. Higher Secondary School, Kirodimalnagar, Raigarh, Tahsil & District-Raigarh (C.G.)

---- Petitioner**Versus**

1. State of Chhattisgarh, Through the Secretary, School Education Department, Mahanadi Bhawan, New Raipur, P.S.- Rakhi, District – Raipur (C.G.)
2. The District Education Officer, District Raigarh (C.G.)
3. The Principal, Government Higher Secondary School, Kirodimalnagar, Raigarh, Tahsil & District – Raigarh (C.G.)
4. The Joint Director, Treasury, Accounts and Pension, Bilaspur (C.G.)

---- Respondents

For Petitioner: Mr. Harish Khuntiya, Advocate.
 For Respondents/State: Mr. Dhiraj Wankhede, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****14/02/2017**

(1) Learned counsel appearing for the petitioner would submit that order of recovery has passed against the petitioner requiring to pay the disputed amount that has been paid in excess to what he is entitled. He further submits that impugned order has been passed directing him to make payment of the amount in dispute and no show cause notice was served before passing of the order of

recovery of the amount in dispute, which is in violation of principle of natural justice.

(2) Learned counsel for the respondents/State submits that though no notice was served to petitioner before passing of the order of recovery of the amount in dispute but he is required to make payment as per law, therefore, petitioner is not entitled for any relief.

(3) Be that as it may, since no show cause notice was served to the petitioner before passing the order of recovery, as such no opportunity of hearing was granted to the petitioner before passing the impugned order, therefore, the order impugned dated 15.02.2016 is set aside. The respondents are at liberty to proceed in accordance with law after giving reasonable opportunity of hearing to the petitioner.

(4) Accordingly, the writ petition is allowed to the extent.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-