

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition No. 1479 of 2006**

Smt. Shweta Shrivastava (Sinha), Aged about 28 years, W/o Taran Prakash Sinha, Sub Divisional Officer (Police), P.O. Patan, District : Durg (C.G.)

---- Petitioners**Versus**

1. State of Chhattisgrh, through Secretary (Department of Home), D.K.S. Bhawan, Mantralaya, Raipur (C.G .)
2. State of Madhya Pradesh, through the Principal Secretary (Home), Vallabh Bhavan, Bhopal (M.P.)
3. Director General (Police), State of Chhattisgarh, Raipur (C.G.)
4. Deputy Inspector General of Police Cum – Senior Superintendent of Police, Durg, C.G. State.
5. Deputy Inspector General of Police (Administration), Police Head Quarter, Raipur (C.G.)

---- Respondent

For Petitioner : Mr. Jitendra Pali, Advocate.

For Respondents No. 1, 3, 4 & 5
: Mr. Arvind Dubey, Panel Lawyer

For Respondent No. 2 : Mr. C.P. Soni, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board**09/11/2017**

(1) Learned counsel appearing for the petitioner would submit that order passed by respondents No. 1 & 3, respectively vide Annexures P-15, P-16 & P-17 directing recovery of Rs.1,84,852/-, pursuant to order passed by the State of Madhya Pradesh is unsustainable and bad in law.

(2) Learned counsel for the State would submit that orders Annexures

P-15, P-16 & P-17 are the orders passed by respondents consequent to the order passed by the State of Madhya Pradesh dated 18.10.2004, the petitioner has not challenged the said order of State of Madhya Pradesh by which an amount of Rs.1,84,852/- has been directed to be recovered from the petitioner.

(2) I have heard learned counsel appearing for the parties and considered their rival submissions made hereinabove and also gone through the record with utmost circumspection.

(3) It is appearant on the record that the original order dated 18.10.2004 was passed by the State of Madhya Pradesh and that order has not been challenged by the petitioner, therefore, the same has attained finality and orders Annexures P-15, P-16 & P-17 passed by the State of Chhattisgarh is only order passed consequent to the memo issued by the State of Madhya Pradesh on 18.10.2004 as the petitioner has given her consent on 22.9.2003 (Annexure P-9) stating that if she is relieved for the State of Chhattisgarh, she will bear the expenses of her training. Since the original order dated 18.10.2004 has not been challenged and said order has become final, orders Annexures P-15, P-16 & P-17 cannot be quashed in absence of challenge to the original order issued by the State of Madhya Pradesh. I do not find any illegality in the order impugned warranting interference by this Court in this petition.

(4) Accordingly, the writ petition fails and is hereby dismissed.

Sd/-

(Sanjay K. Agrawal)
Judge

