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**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition No. 6303 of 2005**

M.F. Ansari, S/o Late Shri M.H.Ansari, Aged about 42 years,  
Presently Posted as Principal, Industrial Training Institute,  
Jagdalpur, District Bastar (C.G.)

**---- Petitioner****Versus**

1. State of Chhattisgarh, Through the Secretary, Department of Higher Education, Technical Education and Manpower Planning, Mantralaya, D.K.S. Bhawan, Raipur (C.G.)
2. Director, Directorate of Employment and Training, Chhattisgarh, Raipur (C.G.)
3. Joint Director, Directorate of Employment and Training, Chhattisgarh, Raipur (C.G.)

**---- Respondents**


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For Petitioner: Mr. B.D. Guru, Advocate.  
For Respondent/State: Mr. Ashish Surana, Panel Lawyer

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**Hon'ble Shri Justice Sanjay K. Agrawal****Order On Board****06/11/2017**

Learned counsel for petitioner submits that the unreasoned and non-speaking order of recovery has been passed without considering explanation given by the petitioner.

(2) On the other hand, counsel for the State would support the impugned order.

(3) I have heard learned counsel appearing for the parties and perused the impugned order with utmost circumspection.

(4) A careful perusal of the material available on record would show that petitioner's defence is that he is not responsible for the aforesaid

incident and, therefore, he is not liable to make payment of compensation and even his explanation has been rejected on the ground that it is not satisfactory. The order imposing recovery involves civil consequence, therefore, it ought to have been decided by reasoned and speaking order, which has not been done, therefore, the impugned order is set aside. The matter is remitted back to the State Government for considering the matter afresh after affording due opportunity of hearing to the petitioner in accordance with law expeditiously preferably within a period of 45 days from the date of receipt of certified copy of this order.

(5) Accordingly, the writ petition is allowed to the extent indicated hereinabove.

Sd/-

(Sanjay K. Agrawal)  
Judge

D/-

