

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No. 3941 of 2010

- Dr. Rinita Rai W/o Dr. Sanjeev Rai, Aged about 37 years, Veterinary Assistant Surgeon, Disease Investigation Lab, Jashpurnagar, District Jashpur (C.G.)

---- **Petitioner**

Versus

1. The State of Chhattisgarh, Through- The Secretary, Department of Agriculture & Animal Husbandry Mantralaya, D.K.S. Bhavan, Raipur (C.G.)
2. The Director, Department of Veterinary Services, Raipur (C.G.)
3. The Deputy Director, Department of Veterinary Services, Jashpurnagar (C.G.)
4. The Deputy Director, Department of Veterinary Services, Kabeerdham (C.G.)

---- **Respondents**

For Petitioner	:	Shri R.K. Kesharwani, Advocate
For State	:	Shri S.P. Kale, Deputy Advocate General

Hon'ble Shri Justice P. Sam Koshy
Order on Board

08.10.2018

1. The present is the third round of litigation in respect of order of recovery made against the petitioner for amount of Rs.1,68,876/- dated 16.10.2006. The first round of litigation was by way of writ petition bearing registration No. W.P.(S) No. 6547/2006 which stood disposed of on 04.12.2006. The said writ petition was disposed of with a direction that the petitioner shall submit utilization certificate before the authorities or the details of the expenditure made by her in accordance with rule and the Deputy Director (Veterinary) to consider those documents and only thereafter proceed further for recovering the balance amount. In compliance to the said directive, the petitioner vide correspondence dated 23.12.2006 has submitted details in the form of utilization certificate so far as the alleged amount is concerned. Thereafter, the respondents again made correspondence dated 12.01.2007 intimating the petitioner that the utilization certificate submitted by the petitioner does not seem to be proper and the petitioner was directed to submit

fresh utilization certificate so as to comply with the directive given by this Court in W.P.(S) No. 6547/2006. The petitioner thereafter again filed a fresh writ petition vide W.P.(S) No. 7446/2007 which stood disposed of on 18.02.2009. The second time also this Court directing the petitioner to challenge the letter dated 29.12.2007 which was a correspondence made by the State Government intimating the petitioner that since he has not submitted the proper utilization certificate, the order passed in W.P.(S) No. 6547/2006 could not be complied with and the writ petition was dismissed. Subsequently, the petitioner preferred a writ appeal bearing registration No. W.A. No. 91/2009 which was dismissed as withdrawn with liberty to comply with order passed on 04.12.2006 in the first round of litigation i.e. W.P.(S) No. 6547/2006. Thereafter the petitioner again approached the authority concerned by submitting the details of the expenditure and the utilization certificate which again was refused to be accepted by the respondents vide Annexure-P/1 dated 29.12.2007 which has been assailed in the present writ petition.

2. The counsel for the State opposing the petitioner submits that since the petitioner has not submitted his utilization certificate in its proper format and the utilization certificate has also not been supported with proper vouchers of the expenditure made by the petitioner. The order of recovery could not be settled and it stood as outstanding against the petitioner which the State Government is entitled to recover.

3. Given the aforesaid factual matrix of the case, this Court is of the opinion that the entire dispute revolve on an amount of Rs.1,68,876/- which was drawn against the petitioner's name while she was posted as Veterinary Assistant, Veterinary Hospital at Borla, District Kabeerdham.

4. From the contention of the petitioner as also the submission made by the State counsel what reveals is that entire dispute could be redressed subject to a proper verification of facts done by the State Government on necessary information and details being provided by the petitioner.

5. The petitioner has submitted utilization certificate which according to the State counsel which also is reflected from Annexure-P/1 is not in accordance with format prescribed by the State Government. Giving the said fact, let respondents/department provide copy of format in which utilization certificate has to be submitted by the petitioner. Perusal of the documents along with writ petition would reveal that there is also a correspondence made by the Director (Veterinary) dated 03.03.2007 addressed to the petitioner wherein the petitioner has been directed to approach Veterinary Hospital, Borla, District Kabeerdham for returning the vouchers which the petitioner had submitted at Borla office. The contents of the said correspondence establishes that the petitioner perhaps has submitted certain vouchers at Borla. Giving the said facts, let the petitioner approach Borla office and obtain necessary details in this regard or atleast provide necessary information to the department in respect of vouchers so submitted and in turn, respondents would verify the contents of these vouchers and would make necessary cross-check so far as amount said to be recovered from the petitioner. After due verification of the said vouchers and documents, respondents would pass a fresh order as to whether any recovery is still to be made against the petitioner. Till a final decision is taken by the respondents, they shall not initiate any coercive steps for recovery of the balance of the amount.

6. Needless to mention, on the petitioner making an application at Borla office for the details of the vouchers that she had submitted earlier in compliance with the letter of the Director (Veterinary) dated 03.03.2007, the department would make all necessary efforts to provide this.

7. With the aforesaid observations, the writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge