

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (C) No.1580 of 2014

1. Dashrath Kishpotta, S/o Shri Jagan Kishpotta, aged about 44 years, Sarpanch, Village Panchayat Taparkela, P.S. Darima, Tahsil Ambikapur, District Surguja (C.G.)
2. Ajay Prasad Gupta, S/o Bhuneshwar Prasad Gupta, Aged about 37 years, Secretary, Village Panchayat Taparkela, P.S. Darima, Tahsil Ambikapur, District Surguja (C.G.)

---- Petitioners

Versus

1. State of Chhattisgarh, Through the Secretary, Department of Panchayat and Rural Development, Mahanadi Bhawan, New Raipur, District Raipur (C.G.)
2. Collector/District Coordinator, Surguja (MGNREGA) Ambikapur, District Surguja (C.G.)
3. The Lokpal, MANREGA Zila Panchayat, Surguja (Ambikapur), Distt. Surguja (C.G.)
4. Chief Executive Officer, Zila Panchayat, Ambikapur, District Surguja (C.G.)
5. Ajay Singh, Chief Executive Officer, Janpad Panchayat, Ambikapur, District Surguja (C.G.)
6. Pankaj Shrivastava, Program Officer, Janpad Panchayat, Ambikapur, Distt. Surguja (C.G.)
7. Smt. D. Topo, Technical Coordinator, Janpad Panchayat, Ambikapur, Distt. Surguja (C.G.)
8. D.K. Soni, RTI Activist, R/o Banaras Road, Chathirma, P.S. and Tahsil Ambikapur, Distt. Surguja (C.G.)

---- Respondents

For Petitioners: Mr. A.N. Pandey, Advocate.

For Respondents No.1 and 2 / State: -

Mr. Ashish Surana, Panel Lawyer.

For Respondent No.8: Mr. C. Jayant K. Rao, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

23/07/2018

1. Heard.
2. Learned counsel for the petitioners submits that the Ombudsman under the MANREGA scheme has passed the order impugned without giving opportunity of hearing and without noticing and as such, the findings recoded by the Ombudsman are in breach of the principles of natural justice, it cannot be sustained in the light of the fact that the order of recovery as well as recommendation for penal action are not in accordance with law.
3. Learned counsel for respondent No.8 and learned State counsel would support the impugned order.
4. It is the categorical case of the petitioners that no show cause notice was issued to them and without giving opportunity of hearing in violation of the principles of natural justice findings have been recorded which has civil consequence, therefore, opportunity of hearing ought to have been granted to the petitioners before recording the findings. Accordingly, the impugned order is set aside and the case is remitted back to the Ombudsman for hearing and disposal in accordance with law after giving opportunity to the petitioners to file objection.
5. The writ petition stands finally disposed of. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge