

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (S) No.3098 of 2013

S.L. Gole, S/o Shri M.L. Gole, Aged about 64 years, Retired Sub Engineer, Public Works Department, Division Pendra Road, Distt. Bilaspur, R/o Village Vikas Nagar, 27 Kholi, Bilaspur, Civil and Revenue Distt. Bilaspur (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, Through Secretary, Public Works Department, Mantralaya, Raipur (C.G.)
2. Collector, District Janjgir-Champa (C.G.)
3. Pramukh Abhiyanta, Public Works Department, Office of the Pramukh Abhiyanta, Public Works Department, Sirpur Bhawan, Raipur (C.G.)
4. Mukhya Abhiyanta, Public Works Department, Bilaspur Area, Bilaspur (C.G.)
5. Karyapalan Abhiyanta, Public Works Department, Champa, Distt. Janjgir Champa (C.G.)
6. Karyapalan Abhiyanta, Public Works Department, Pendra Road, Distt. Bilaspur (C.G.)
7. Sanyukt Sanchalak, Karyalaya Sambhagiya Sanyukt Sanchalak, Kosh, Lekha and Pension, Bilaspur Sambhag, Bilaspur (C.G.)

---- Respondents

For Petitioner: Mr. Alok Bakshi, Advocate.

For Respondents/State: Mr. Ratan Pusty, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

19/01/2018

1. Learned counsel for the petitioner would submit that pursuant to the order passed by this Court on 18-9-2012, enquiry was conducted, but no opportunity to file objection on that enquiry report has been given to the petitioner and no appropriate decision as directed by this Court has been taken and straightway, recovery order has been passed of

₹ 5,34,539/- and an amount of ₹ 4,44,127/- has already been deducted.

2. Learned State counsel would support the impugned order.
3. I have heard learned counsel for the parties and perused the documents available on record.
4. This Court had already directed for holding an enquiry after due consideration of the reply filed by the petitioner and take appropriate decision, but it appears that enquiry has been conducted, but the petitioner's objection on that enquiry has not been called and the petitioner has not been heard and no appropriate decision as directed by this Court has been taken.
5. Be that as it may, the impugned order directing recovery of ₹ 5,34,539/- is quashed and the competent authority is directed to take appropriate decision in accordance with law, expeditiously, as directed by this Court in W.P.(S)No.2551/2011, decided on 18-9-2012. While taking decision, the petitioner's objection be considered and the petitioner be heard by the competent authority.
6. The writ petition is allowed to the extent indicated herein-above. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge