

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 938 of 2018

Bhupal Ram Matshyapal S/o Late Shri Ram Matshyapal, Aged About 60 Years
Occupation- Lecturer, R/o Quarter No. A/ 63, Irrigation Colony, Rudri,
Dhamtari, District- Dhamtari, Chhattisgarh., District : Dhamtari, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of School Education,
Mantralaya, Mahanadi Bhawan, Naya Raipur, Chhattisgarh., District : Raipur,
Chhattisgarh
2. Director Of Public Instructions, Raipur, District Raipur, Chhattisgarh., District :
Raipur, Chhattisgarh
3. District Education Officer, District Dhamtari, Chhattisgarh., District : Dhamtari,
Chhattisgarh
4. Joint Director, Treasury Account And Pension, Raipur, Chhattisgarh., District :
Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Ms. Aparajita Gaikwad, Advocate
For State	:	Shri Satish Gupta, Govt. Advocate

S.B. : Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

05/04/2018

1. With the consent of learned counsel appearing for the parties, the matter is being finally disposed of because the only issue is that the petitioner was not afforded opportunity of hearing.
2. Admittedly, the petitioner had filed a petition before this Court seeking grant of two advance increments. This Court disposed off the petition vide order dated 4.6.2008 passed in WPS No.2934 of 2008 directing consideration of petitioner's claim under certain observations. The petitioner's grievance is

that again, because some audit objections were taken, the increments which were granted to the petitioner were withdrawn without affording opportunity of hearing.

3. Learned counsel for the State would submit that the withdrawal was made because upon close scrutiny of petitioner's case, it was found that the petitioner is actually not entitled to those increments as he was appointed in the year 1997.
4. Be that as it may, the issue being an arguable one, it would have only been fair that the petitioner would have been afforded opportunity of hearing against the proposed action. Therefore, only on the ground of violation of principles of natural justice, the impugned order is set aside.
5. The petition is accordingly allowed. The respondents would be at liberty to give show cause notice, opportunity of hearing and then pass appropriate order as may be considered just and proper in accordance with law.

Sd/-
(Manindra Mohan Shrivastava)
Judge