

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No. 828 of 2010**

Smt. E. Chalam W/o late Shri A Chalam, aged about 60 years, Sport Teacher, Higher Secondary School Lakhanpuri, District Kanker, Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh through the Secretary, School Education Department, D.K.S. Bhawan, Raipur, Chhattisgarh
2. District Education Officer, Kanker, District Kanker, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Somkant Verma, Advocate
For Respondent/State	:	Shri Shashank Thakur, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****24/07/2018**

The challenge in the present writ petition is to the order dated 13.01.2010 Annexure P-1 which is an order of recovery to the tune of Rs.2,03,740/- in 17 easy installments.

2. The only contention of the counsel for the petitioner is that the impugned order has been passed at the fag end of her career and that too without granting sufficient opportunity of hearing to the petitioner and therefore, on both counts the impugned order is not sustainable.

3. On the contrary, State counsel referring to the reply filed by the State submits that before issuance of the impugned order the petitioner was duly granted opportunity of hearing and she was also called upon to explain as to the advance amount which was paid to her in the capacity of sports

officer. He further submits that since there was no proper and justifiable explanation provided by the petitioner neither was there sufficient explanation showing as to how this advance amount has been met with, the impugned order cannot be said to be either faulty or bad in law.

4. Having heard the contentions put forth on either side and on perusal of the record particularly considering the stand of the State Govt. that sufficient opportunity of hearing was granted to the petitioner and that the impugned order was passed only after an opportunity of hearing being given to the petitioner, this Court is of the opinion that it is not a violation of the principle of nature justice. Moreover, the advance amount was paid in the year 2009 and the order of recovery was passed promptly, therefore, it cannot be said that it is a stale claim raised by the State Govt.

5. Given the facts and circumstances of the case, this Court does not find any strong case made out by the petitioner for interfering with the impugned order of recovery. The writ petition being devoid of merit deserves to be and is accordingly dismissed.

**Sd/-
(P. Sam Koshy)
JUDGE**