

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 2395 of 2018

Benuram Banjare S/o Shri Hukuram Banjare aged about 58 years
Presently Working as Head Master at Government Boys School, Dipka
Block Katghora, District- Korba, Chhattisgarh.

----Petitioner

Versus

1. State of Chhattisgarh, through Secretary, Department of School Education, Mahanadi Bhavan, Capital Complex, New Raipur, P.S. Rakhi, District- Raipur, Chhattisgarh.
2. District Education Officer, District- Korba, Chhattisgarh.
3. District Collector, District- Korba, Chhattisgarh.
Block Education Officer, Block Katghora, District- Korba, Chhattisgarh.

---Respondents

For petitioner	:	Shri Sudeep Agrawal, Advocate.
For State	:	Shri Dheeraj Wankhede, Government Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

19/03/2018

1. The challenge in the present Writ Petition is to Annexure-P/1 which is an order of recovery passed by the respondent No.4 dated 10/08/2017. The amount of recovery assessed to the petitioner is an amount of Rs.6,45,238/- and ordered for recovering the same in 50 installments of Rs.13,000/- each.
2. The specific contention made by the petitioner is that the order of recovery has been passed without conducting any enquiry whatsoever and the same has been passed even without issuance of show cause notice by the department.

3. This aspect stands established from bare perusal of the impugned order itself.

4. Under the given facts and circumstances of the case and also taking note of the legal position as it stands that no order which has an adverse civil consequences should be passed without an opportunity of hearing being given to the employee, the impugned order of recovery is bad in law.

5. Thus this Court is of the opinion that the impugned order so far as the recovery order passed against the petitioner having been passed without granting an opportunity of hearing to the petitioner amounts to an order having been passed in violation of the principles of natural justice and the same is therefore not sustainable and it deserve to be set aside.

6. This Court therefore set aside the order Annexure-P/1 so far as petitioner's case is concerned reserving liberty to the respondents to conduct an enquiry if they so want and after granting an opportunity of hearing to the petitioner may pass a fresh order.

7. With the aforesaid observation and direction, the Writ Petition stands allowed and disposed off.

8. It is further directed that till the enquiry is so conducted by the respondents, no further recovery should be made and the amount which has already been collected would be subject to the outcome of the enquiry if any.

Sd/-

(P. Sam Koshy)
JUDGE