

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (S) NO. 3175 OF 2018**

Abbu Hussain S/o Shri Nur Hussain Aged About 53 Years R/o Bada Barel,
Takhatpur, Tahsil Takhatpur, Police Station Jarhagaon, Dist. Mungeli (C.G.)

... **Petitioner**

versus

1. State Of Chhattisgarh, Through Secretary, Department Of Technical Education And Manpower Planning, Science And Technology, Mahanadi Bhawan, Naya Mantralaya, Naya Raipur, District- Raipur, Chhattisgarh.

2. Joint Director (Training), Regional Office, Government Industrial Training Institute, Bilaspur, District- Bilaspur, Chhattisgarh.

3. Principal, Government Industrial Training Institute, Bilaspur (C.G.)

4. Chhattisgarh Infrastructure Development Corporation Limited, Through Its Managing Director, Head Office Shastri Chowk, Raipur (C.G.)

... **Respondents**

For Petitioner	:	Mr. K.P.S. Gandhi, Advocate.
For Respondent-State	:	Ms. B. Gopa Kumar, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

19/04/2018

1. Challenge in the present writ petition is to the order dated 22.3.2018 (Annexure P-1) whereby an amount of Rs.32,451/- has been ordered to be recovered from the Petitioner.

2. Learned Counsel for the Petitioner submits that the impugned order of recovery has been passed without granting any opportunity of defense to the Petitioner. He further submits that only an explanation was called to which he has given a detailed reply giving justification, but the Respondents have found it to be unsatisfactory and have straightaway issued an order of recovery and thus he prayed for the setting aside of the impugned order of recovery.

3. Learned Counsel for the State on the contrary submits that the order under challenge itself shows that subsequent to the reply of the Petitioner which was found to be unsatisfactory, the department had called for a report from one Shri Praveen Chandel, the DDO of the ITI, Takhatpur and it is on the basis of the report of the said Shri Chandel that the order of recovery has been passed.

4. Perusal of record would show that even the report submitted by Shri Chandel was behind the back of the Petitioner and the Petitioner as such was not called upon to lead any evidence or to establish his case, neither was an opportunity was given to him by Shri Chandel at any point of time.

5. Given the aforesaid facts and circumstances of the case, this Court is of the opinion that the impugned order in its present form is not sustainable as the same is in total violation of the principles of natural justice and thus being not sustainable deserves to be and is accordingly set aside.

6. However, the Respondents shall have the liberty for initiating appropriate proceeding against the Petitioner and after giving him an opportunity, an appropriate action can be passed against the Petitioner calling for recovery of any loss if caused to the Respondents at the behest of the Petitioner.

7. The writ petition stands allowed and disposed of accordingly.

Sd/-
(P. Sam Koshy)
Judge