

HIGH COURT OF CHHATTISGARH, BILASPUR
WPS No.5035 of 2005

Satya Prakash S/o Late Shri K.C. Verma, aged about 40 years,
 Asst. Labour Commissioner, Durg

---- Petitioner

Versus

1. State of Chhattisgarh Through Secretary, Department of Labour,
 Mantralay DK Bhawan G.E. Road Raipur
2. Under Secretary, Department of Labour, Mantralay DK Bhawan,
 G.E. Road, Raipur
3. Assistant Labour Commissioner Shri S.L. Jangde Through Labour
 Commissioner Chhattisgarh, 28/3, Kailashpuri Buddha Talab,
 Raipur

---- Respondents

For Petitioner	:	Mr.Sudeep Johri, Advocate
For Respondents No.1&2	:	Mr.D.R.Minz, Dy.G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

27/02/2018

1. Learned counsel for the petitioner would submit that the State of Chhattisgarh has issued the impugned notice directing recovery of ₹45810/- towards rent of accommodation held by the petitioner as Assistant Labour Commissioner, Durg, however, no show-cause notice or no opportunity of hearing was given to the petitioner.
2. On the other hand, learned Deputy Government Advocate for respondents No.1 and 2/State would support the impugned recovery notice.
3. I have heard learned counsel for the parties and considered their rival submissions made herein-above and also gone through the records with utmost circumspection.

4. A careful perusal of the impugned notice would show that on the basis of letter issued by the Assistant Welfare Commissioner, Madhya Pradesh, the impugned notice has been issued. No opportunity appears to have been given to the petitioner. Even no enquiry has been made in presence of the petitioner and order directing recovery has been passed, which cannot be sustained.
5. Accordingly, the writ petition is allowed and the impugned notice dated 2.8.2002 (Annexure A/1) issued by the State of Chhattisgarh is hereby set aside. However, the respondents are at liberty to proceed further in accordance with law. No cost(s).

Sd/-

(Sanjay K. Agrawal)

Judge

B/-