

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 7463 of 2017**

Bodhiram Yadav S/o Late Firtu Ram Yadav, Aged About 72 Years Retired Head Master, R/o Village And Post Bhimbhori, Block Berla, District Bemetara Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of School Education, Secretariat, New Raipur, Post And Police Station Rakhi, District Raipur Chhattisgarh.
2. District Education Officer, Office Of The District Education, District Bemetara Chhattisgarh.
3. Block Education Officer, Office Of The Block Education Office, Block Berla, District Bemetara Chhattisgarh.
4. Director, Fund, Account And Pension, Indravati Bhawan, Block A, 1st Floor, New Raipur Chhattisgarh.
5. Divisional Joint Director, Office Of The Divisional Joint Director, Fund, Account And Pension, Raipur Division, Raipur Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Y. C. Sharma, Advocate.
For Respondents	:	Mr. R. N. Pusty, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****03/01/18**

1. Learned counsel appearing on behalf of petitioner would submit that the petitioner superannuated from service on 30.06.2007 and after ten years the impugned order dated 19.06.2017 for recovery of amount of Rs. 1,46,710/- from the pension of the petitioner has been issued by respondent No. 3- Block Education Officer, District- Bemetra (C.G.) without giving any opportunity of hearing or show cause notice to the petitioner, therefore the

impugned order is unsustainable and bad in law and is liable to be set aside.

2. Per contra, learned counsel appearing on behalf of respondents would oppose the submissions made by the learned counsel for the petitioner and support the order impugned.

3. I have heard learned counsel for the parties and perused the impugned order with utmost circumspection.

4. Since the order of recovery has been issued after ten years of retirement of the petitioner and without affording any opportunity of hearing to the petitioner, therefore, the impugned order is set aside and the matter is remitted to respondent No. 2 who shall consider and decide the petitioner's case afresh strictly in accordance with law after hearing the petitioner.

5. With the aforesaid observation, the writ petition stands finally disposed of. No order as to cost(s).

SD/-

(Sanjay K. Agrawal)

Judge