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**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No. 1772 of 2018**

Rajni Kumari Jatashankar D/o Damrudhar Jatashankar, Aged About 28 Years, Posted As Panchayat Secretary Posted At Gram Panchayat Bhavtara, Janpad Panchayat, Pamgarh, District Janjgir Champa Chhattisgarh R/o Village Loharshi, Po Loharshi, Tehsil Pamgarh, District Janjgir Champa, Chhattisgarh

**---- Petitioner****Versus**

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department, Mantralay, Mahanadi Bhavan, Naya Raipur Chhattisgarh
2. Chief Executive Officer, Zila Panchayat Janjgir Champa, District Janjgir Champa, Chhattisgarh
3. Chief Executive Officer, Janpad Panchayat Pamgarh, District Janjgir Champa, Chhattisgarh
4. Deputy Director, Local Fund Audit Bilaspur, District Bilaspur Chhattisgarh
5. Deputy Director, Local Fund Audit Raipur, District Raipur, Chhattisgarh

**---- Respondents****WPS No. 1793 of 2018**

- Ghanaram Kashyap S/o Ramratan Kashyap, Aged About 45 Years Posted As Panchayat Secretary, Posted At Gram Panchayat Kohka, Janpad Panchayat Pamgarh, District Janjgir Champa, Chhattisgarh R/o Village Chorbhatti, P.O. Deo Kirari, Via Nariara, Tehsil Pamgarh, District Janjgir Champa, Chhattisgarh

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department, Mantralay, Mahanadi Bhavan, Naya Raipur, Chhattisgarh
2. Chief Executive Officer, Zila Panchayat Janjgir Champa, District Janjgir Champa, Chhattisgarh
3. Chief Executive Officer, Janpad Panchayat Pamgarh, District Janjgir Champa, Chhattisgarh
4. Deputy Director, Local Fund Audit Bilaspur, District Bilaspur, Chhattisgarh
5. Deputy Director, Local Fund Audit Raipur, District Raipur, Chhattisgarh

**---- Respondents****WPS No. 1794 of 2018**

- Anil Kumar Khute S/o Manharanlal Khute, Aged About 30 Years Posted As Pachayat Secretary, Posted At Gram Panchayat Mudpar, Janpad Panchayat Pamgarh, District Janjgir Champa Chhattisgarh R/o Mukam Mehndi, Po Bundela Tehsil Pamgarh, District Janjgir Champa Chhattisgarh

**---- Petitioner****Versus**

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department, Mantralay, Mahanadi Bhavan, Naya Raipur Chhattisgarh
2. Chief Executive Officer, Zila Panchayat Janjgir Champa District Janjgir Champa Chhattisgarh
3. Chief Executive Officer, Janpad Panchayat Pamgarh, District Janjgir Champa Chhattisgarh

4. Deputy Director, Local Fund Audit Bilaspur, District Bilaspur Chhattisgarh
5. Deputy Director, Local Fund Audit Raipur, District Raipur Chhattisgarh

**---- Respondents**

**WPS No. 1796 of 2018**

- Ramesh Kumar Patel S/o Narayan Prasad Patel, Aged About 43 Years, Posted As Panchayat Secretary, Posted At Gram Panchayat Devri, Janapd Panchayat Pamgarh, District- Janjgir- Champa, Chhattisgarh. R/o Village- Loharsi, P. O. Loharsi, Tehsil- Pamgarh, District- Janjgir- Champa, Chhattisgarh

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, Chhattisgarh
2. Chief Executive Officer, Zila Panchayat Janjgir- Champa, District- Janjgir- Champa, Chhattisgarh
3. Chief Executive Officer, Janpad Panchayat Pamgarh, District- Janjgir- Champa, Chhattisgarh
4. Deputy Director, Local Fund Audit Bilaspur, District- Bilaspur, Chhattisgarh
5. Deputy Director, Local Fund Audit Raipur, District- Raipur, Chhattisgarh

**---- Respondents**

**WPS No. 1797 of 2018**

- Shyam Narayan Nagesh S/o Lt. Siyaram Nagesh, Aged About 30 Years Posted As Panchayat Secretary Posted At Gram Panchayat Dhardei, Janpad Panchayat Pamgarh, District- Janjgir- Champa,

Chhattisgarh. R/o Village Kohka, P. O. Bilari, Tehsil- Pamgarh, District-  
Janjgir- Chmapa, Chhattisgarh

---- **Petitioner**

**Versus**

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department, Mantralaya, mahanadi Bhawan, Naya Raipur, Chhattisgarh
2. Chief Executive Officer, Zila Panchayat, Janjgir- Champa, District- Janjgir- Champa, Chhattisgarh
3. Chief Executive Officer, Janpad Panchayat Pamgarh, District- Janjgir- Champa, Chhattisgarh
4. Deputy Director, Local Fund Audit Bilaspur, District- Bilaspur, Chhattisgarh
5. Deputy Director, Local Fund Audit Raipur, District- Raipur, Chhattisgarh

---- **Respondents**

**WPS No. 1803 of 2018**

- Gajanand Sahu S/o Shri Lt. Dadulal Sahu, Aged About 47 Years Posted As Panchayat Secretary Posted At Gram Panchayat Kharkhod, Janpad Panchayat Pamgarh District Janjgir Champa Chhattisgarh R/o Village Sasaha, Post Office Sasaha, Tehsil Pamgarh District Janjgir Champa, Chhattisgarh

---- **Petitioner**

**Versus**

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department, Mantralay, Mahanadi Bhavan, Naya Raipur Chhattisgarh
2. Chief Executive Officer, Zila Panchayat Janjgir Champa, District Janjgir Champa, Chhattisgarh

3. Chief Executive Officer, Janpad Panchayat Pamgarh, District Janjgir Champa, Chhattisgarh
4. Deputy Director, Local Fund Audit Bilaspur, District Bilaspur Chhattisgarh
5. Deputy Director, Local Fund Audit Raipur, District Raipur, Chhattisgarh

**---- Respondents**

**WPS No. 1808 of 2018**

- Rameshwar Prasad Anant S/o Patiram Anant, Aged About 52 Years, Posted As Panchayat Secretary Posted At Gram Panchayat Meu, Janpad Panchayat Pamgarh, District Janjgir Champa, Chhattisgarh, R/o Mukaam Chrtela, Po Kharkhod, Tehsil Pamgarh, District Janjgir Champa, Chhattisgarh

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department, Mantralay, Mahanadi Bhavan, Naya Raipur Chhattisgarh
2. Chief Executive Officer, Zila Panchayat Janjgir Champa, District Janjgir Champa, Chhattisgarh
3. Chief Executive Officer, Janpad Panchayat Pamgarh, District Janjgir Champa, Chhattisgarh
4. Deputy Director, Local Fund Audit Bilaspur, District Bilaspur Chhattisgarh
5. Deputy Director, Local Fund Audit Raipur, District Raipur, Chhattisgarh

**---- Respondents**

**WPS No. 1811 of 2018**

- Ram Bilas Sahu S/o Bodhiram Sahu, Aged About 46 Years, Posted As Panchayat Secretary Posted At Gram Panchayat Padriya, Janpad Panchayat Pamgarh, District Janjgir Champa, Chhattisgarh, R/o Mukaam Khorsi, Po Kharkhod, Tehsil Pamgarh, District Janjgir Champa, Chhattisgarh

**---- Petitioner****Versus**

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department, Mantralay, Mahanadi Bhavan, Naya Raipur Chhattisgarh
2. Chief Executive Officer, Zila Panchayat Janjgir Champa, District Janjgir Champa, Chhattisgarh
3. Chief Executive Officer, Janpad Panchayat Pamgarh, District Janjgir Champa, Chhattisgarh
4. Deputy Director, Local Fund Audit Bilaspur, District Bilaspur Chhattisgarh
5. Deputy Director, Local Fund Audit Raipur, District Raipur, Chhattisgarh

**---- Respondents****WPS No. 1813 of 2018**

- Ashwani Kumar Lahrey S/o Bhagwat Prasad Lahrey, Aged About 29 Years, Posted As Panchayat Secretary Posted At Gram Panchayat Mehendi, Janpad Panchayat Pamgarh District Janjgir Champa Chhattisgarh. R/o Mukaam Mekri, Po Rasauta, Tehsil Pamgarh, District Janjgir Champa Chhattisgarh

**---- Petitioner****Versus**

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural

Development Department, Mantralay, Mahanadi Bhavan, Naya Raipur Chhattisgarh

2. Chief Executive Officer, Zila Panchayat Janjgir Champa, District Janjgir Champa, Chhattisgarh
3. Chief Executive Officer, Janpad Panchayat Pamgarh, District Janjgir Champa, Chhattisgarh
4. Deputy Director, Local Fund Audit Bilaspur, District Bilaspur Chhattisgarh
5. Deputy Director, Local Fund Audit Raipur, District Raipur, Chhattisgarh

**---- Respondents**

**WPS No. 1816 of 2018**

- Chitranjan Singh Sultania S/o Bhagwan Singh Sultania, Aged About 43 Years, Posted As Panchayat Secretary Posted At Gram Panchayat Mudpar, Janpad Panchayat Pamgarh, District Janjgir Champa, Chhattisgarh, R/o Mukaam Chandipara, Po Pamgarh, Tehsil Pamgarh, District Janjgir Champa, Chhattisgarh

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department, Mantralay, Mahanadi Bhavan, Naya Raipur Chhattisgarh
2. Chief Executive Officer, Zila Panchayat Janjgir Champa, District Janjgir Champa, Chhattisgarh
3. Chief Executive Officer, Janpad Panchayat Pamgarh, District Janjgir Champa, Chhattisgarh
4. Deputy Director, Local Fund Audit Bilaspur, District Bilaspur Chhattisgarh

5. Deputy Director, Local Fund Audit Raipur, District Raipur, Chhattisgarh

**---- Respondents**

**WPS No. 1817 of 2018**

- Naresh Yadav S/o Dukaluram Yadav, Aged About 48 Years, Posted As Panchayat Secretary Posted At Gram Panchayat Sirri, Janpad Panchayat Pamgarh District Janjgir Champa Chhattisgarh R/o Mukaam Kosir, Po Kosir, Tehsil Pamgarh, District Janjgir Champa Chhattisgarh

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department, Mantralay, Mahanadi Bhavan, Naya Raipur Chhattisgarh
2. Chief Executive Officer, Zila Panchayat Janjgir Champa, District Janjgir Champa, Chhattisgarh
3. Chief Executive Officer, Janpad Panchayat Pamgarh, District Janjgir Champa, Chhattisgarh
4. Deputy Director, Local Fund Audit Bilaspur, District Bilaspur Chhattisgarh
5. Deputy Director, Local Fund Audit Raipur, District Raipur, Chhattisgarh

**---- Respondents**

**WPS No. 1819 of 2018**

- Santosh Kumar Katore S/o Lt. Satrugan Prasad Katore, Aged About 30 Years, Posted As Panchayat Secretary, Posted At Gram Panchayat Mekri, Janpad Panchayat Pamgarh, District- Janjgir- Champa, Chhattisgarh, R/o Mukaam Tilai, P. O. Tilai, Tehsil Pamgarh, District- Janjgir- Champa, Chhattisgarh

**---- Petitioner**



**Versus**

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department, Mantralay, Mahanadi Bhavan, Naya Raipur Chhattisgarh
2. Chief Executive Officer, Zila Panchayat Janjgir Champa, District Janjgir Champa, Chhattisgarh
3. Chief Executive Officer, Janpad Panchayat Pamgarh, District Janjgir Champa, Chhattisgarh
4. Deputy Director, Local Fund Audit Bilaspur, District Bilaspur Chhattisgarh
5. Deputy Director, Local Fund Audit Raipur, District Raipur, Chhattisgarh

**---- Respondents****WPS No. 1822 of 2018**

- Rajkumar Pure S/o Sukhram Pure, Aged About 48 Years, Posted As Panchayat Secretary Posted At Gram Panchayat Lagra, Janpad Panchayat Pamgarh District Janjgir Champa Chhattisgarh. R/o Mukaam Dudga, Po Bhadra, Tehsil - Pamgarh, District Janjgir Champa Chhattisgarh

**---- Petitioner****Versus**

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department, Mantralay, Mahanadi Bhavan, Naya Raipur Chhattisgarh
2. Chief Executive Officer, Zila Panchayat Janjgir Champa, District Janjgir Champa, Chhattisgarh
3. Chief Executive Officer, Janpad Panchayat Pamgarh, District Janjgir Champa, Chhattisgarh

4. Deputy Director, Local Fund Audit Bilaspur, District Bilaspur Chhattisgarh
5. Deputy Director, Local Fund Audit Raipur, District Raipur, Chhattisgarh

---- Respondents

**WPS No. 1824 of 2018**

1. Shakun Kumar Sahu S/o Devcharan Sahu, Aged About 50 Years Posted As Panchayat Secretary, Posted At Gram Panchayat Pamgarh, Janpad Panchayat Pamgarh, District- Janjgir- Champa, Chhattisgarh. R/o Mukaam Bhavatara, P. O. Kosla, Tehsil- Pamgarh, District- Janjgir- Champa, Chhattisgarh

---- Petitioner

**Versus**

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department, Mantralay, Mahanadi Bhavan, Naya Raipur Chhattisgarh
2. Chief Executive Officer, Zila Panchayat Janjgir Champa, District Janjgir Champa, Chhattisgarh
3. Chief Executive Officer, Janpad Panchayat Pamgarh, District Janjgir Champa, Chhattisgarh
4. Deputy Director, Local Fund Audit Bilaspur, District Bilaspur Chhattisgarh
5. Deputy Director, Local Fund Audit Raipur, District Raipur, Chhattisgarh

---- Respondents

**WPS No. 1827 of 2018**

- Ashok Kumar Sahu S/o Bharat Lal Sahu, Aged About 44 Years Posted

As Panchayat Secretary Posted At Gram Panchayat Kamridh, Janpad Panchayat Pamgarh District Janjgir Champa Chhattisgarh. R/o Village Deori, Po Khorshi, Via Kharod, Tehsil Pamgarh, District Janjgir Champa Chhattisgarh

---- **Petitioner**

**Versus**

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department, Mantralay, Mahanadi Bhavan, Naya Raipur Chhattisgarh
2. Chief Executive Officer, Zila Panchayat Janjgir Champa, District Janjgir Champa, Chhattisgarh
3. Chief Executive Officer, Janpad Panchayat Pamgarh, District Janjgir Champa, Chhattisgarh
4. Deputy Director, Local Fund Audit Bilaspur, District Bilaspur Chhattisgarh
5. Deputy Director, Local Fund Audit Raipur, District Raipur, Chhattisgarh

---- **Respondents**

**WPS No. 1831 of 2018**

1. Narendra Kumar Bhaskar S/o Rama Bhaskar, Aged About 33 Years Posted As Panchayat Secretary Posted At Gram Panchayat Pangaoni, Janpad Panchayat Pamgarh District Janjgir Champa Chhattisgarh. R/o Mukaam Kohka, Po Bilari, Tehsil Pamgarh, District Janjgir Champa Chhattisgarh

---- **Petitioner**

**Versus**

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department, Mantralay, Mahanadi Bhavan, Naya Raipur Chhattisgarh

2. Chief Executive Officer, Zila Panchayat Janjgir Champa, District Janjgir Champa, Chhattisgarh
3. Chief Executive Officer, Janpad Panchayat Pamgarh, District Janjgir Champa, Chhattisgarh
4. Deputy Director, Local Fund Audit Bilaspur, District Bilaspur Chhattisgarh
5. Deputy Director, Local Fund Audit Raipur, District Raipur, Chhattisgarh

**---- Respondents**

**WPS No. 1832 of 2018**

1. Manharan Lal Baghel S/o Lakhan Lal Baghel, Aged About 42 Years Posted As Panchayat Secretary Posted At Gram Panchayat Dongakohrod, Janpad Panchayat Pamgarh District Janjgir Champa Chhattisgarh. R/o Mukaam Bilouni, Po Dongakohrod, Tehsil Pamgarh, District Janjgir Champa Chhattisgarh

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department, Mantralay, Mahanadi Bhavan, Naya Raipur Chhattisgarh
2. Chief Executive Officer, Zila Panchayat Janjgir Champa, District Janjgir Champa, Chhattisgarh
3. Chief Executive Officer, Janpad Panchayat Pamgarh, District Janjgir Champa, Chhattisgarh
4. Deputy Director, Local Fund Audit Bilaspur, District Bilaspur Chhattisgarh
5. Deputy Director, Local Fund Audit Raipur, District Raipur, Chhattisgarh

**---- Respondents**

**WPS No. 1834 of 2018**

- Mohan Lal Sahu S/o Parasram Sahu, Aged About 49 Years, Posted As Panchayat Secretary Posted At Gram Panchayat Khorsi, Janpad Panchayat Pamgarh, District Janjgir Champa Chhattisgarh. R/o Mukkam Pakaria, Po Kodabhat Tehsil Pamgarh, District Janjgir Champa Chhattisgarh

**---- Petitioner****Versus**

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department, Mantralay, Mahanadi Bhavan, Naya Raipur Chhattisgarh
2. Chief Executive Officer, Zila Panchayat Janjgir Champa, District Janjgir Champa, Chhattisgarh
3. Chief Executive Officer, Janpad Panchayat Pamgarh, District Janjgir Champa, Chhattisgarh
4. Deputy Director, Local Fund Audit Bilaspur, District Bilaspur Chhattisgarh
5. Deputy Director, Local Fund Audit Raipur, District Raipur, Chhattisgarh

**---- Respondents****WPS No. 1835 of 2018**

- Vinod Kumar Banjare S/o L. R. Banjare, Aged About 38 Years, Posted As Panchayat Secretary, Posted At Gram Panchayat Bhadra, Janpad Panchayat Pamgarh, District Janjgir Champa Chhattisgarh. R/o Mukaam Kutrabod, Po Bhadra, Tehsil Pamgarh, District Janjgir Champa Chhattisgarh

**---- Petitioner****Versus**

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department, Mantralay, Mahanadi Bhavan, Naya

Raipur Chhattisgarh

2. Chief Executive Officer, Zila Panchayat Janjgir Champa, District Janjgir Champa, Chhattisgarh
3. Chief Executive Officer, Janpad Panchayat Pamgarh, District Janjgir Champa, Chhattisgarh
4. Deputy Director, Local Fund Audit Bilaspur, District Bilaspur Chhattisgarh
5. Deputy Director, Local Fund Audit Raipur, District Raipur, Chhattisgarh

**---- Respondents**

**WPS No. 1841 of 2018**

- Umend Ram Dinkar S/o Lt. Ramdayal Dinkar, Aged About 47 Years, Posted As Panchayat Secretary Posted At Gram Panchayat Chandipara, Janpad Panchayat Pamgarh, District Janjgir Champa, Chhattisgarh, R/o Mukaam Bargaon, Po Bargaon, Tehsil Pamgarh, District Janjgir Champa, Chhattisgarh

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department, Mantralay, Mahanadi Bhavan, Naya Raipur Chhattisgarh
2. Chief Executive Officer, Zila Panchayat Janjgir Champa, District Janjgir Champa, Chhattisgarh
3. Chief Executive Officer, Janpad Panchayat Pamgarh, District Janjgir Champa, Chhattisgarh
4. Deputy Director, Local Fund Audit Bilaspur, District Bilaspur Chhattisgarh

5. Deputy Director, Local Fund Audit Raipur, District Raipur, Chhattisgarh

---- Respondents

**WPS No. 1842 of 2018**

- Devi Prasad Kaushik S/o Hemlal Kaushik, Aged About 45 Years Posted As Panchayat Secretary Posted At Gram Panchayat Kosla, Janpad Panchayat Pamgarh, District Janjgir Champa, Chhattisgarh, R/o Mukaam Pandri, Po Bargaon, Tehsil Pamgarh, District Janjgir Champa, Chhattisgarh

---- Petitioner

**Versus**

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department, Mantralay, Mahanadi Bhavan, Naya Raipur Chhattisgarh
2. Chief Executive Officer, Zila Panchayat Janjgir Champa, District Janjgir Champa, Chhattisgarh
3. Chief Executive Officer, Janpad Panchayat Pamgarh, District Janjgir Champa, Chhattisgarh
4. Deputy Director, Local Fund Audit Bilaspur, District Bilaspur Chhattisgarh
5. Deputy Director, Local Fund Audit Raipur, District Raipur, Chhattisgarh

---- Respondents

**WPS No. 1843 of 2018**

- Sonelal Kurre S/o Itwari Kurre, Aged About 43 Years, Posted As Panchayat Secretary, Posted At Gram Panchayat Bhaiso, Janpad Panchayat Pamgarh, District Janjgir Champa, Chhattisgarh, R/o Mukaam Cheudih, PO Meu, Tehsil Pamgarh, District Janjgir Champa, Chhattisgarh

---- Petitioner

**Versus**

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department, Mantralay, Mahanadi Bhavan, Naya Raipur Chhattisgarh
2. Chief Executive Officer, Zila Panchayat Janjgir-Champa, District Janjgir Champa, Chhattisgarh
3. Chief Executive Officer, Janpad Panchayat Pamgarh, District Janjgir Champa, Chhattisgarh
4. Deputy Director, Local Fund Audit Bilaspur, District Bilaspur Chhattisgarh
5. Deputy Director, Local Fund Audit Raipur, District Raipur, Chhattisgarh

**---- Respondents****WPS No. 1845 of 2018**

- Ashiklal Puraiya S/o Lt. Atmaram Puraiya, Aged About 47 Years Posted As Panchayat Secretary Posted At Gram Panchayat Bundela, Janpad Panchayat Pamgarh, District Janjgir Champa, Chhattisgarh, R/o Mukaam Tusma, Po Pamgarh, Tehsil Pamgarh, District Janjgir Champa, Chhattisgarh

**---- Petitioner****Versus**

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department, Mantralay, Mahanadi Bhavan, Naya Raipur Chhattisgarh
2. Chief Executive Officer, Zila Panchayat Janjgir Champa, District Janjgir Champa, Chhattisgarh
3. Chief Executive Officer, Janpad Panchayat Pamgarh, District Janjgir Champa, Chhattisgarh



4. Deputy Director, Local Fund Audit Bilaspur, District Bilaspur Chhattisgarh
5. Deputy Director, Local Fund Audit Raipur, District Raipur, Chhattisgarh

---- Respondents

**WPS No. 1851 of 2018**

- Daduram Ratrey S/o Mohanlal Ratrey, Aged About 47 Years Posted As Panchayat Secretary, Posted At Gram Panchayat Bilari, Janpad Panchayat Pamgarh, District- Janjgir- Champa, Chhattisgarh. R/o Mukaam Kohka, P. O. Bilari Tehsil- Pamgarh, District- Janjgir- Champa, Chhattisgarh

---- Petitioner

**Versus**

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department, Mantralay, Mahanadi Bhavan, Naya Raipur Chhattisgarh
2. Chief Executive Officer, Zila Panchayat Janjgir Champa, District Janjgir Champa, Chhattisgarh
3. Chief Executive Officer, Janpad Panchayat Pamgarh, District Janjgir Champa, Chhattisgarh
4. Deputy Director, Local Fund Audit Bilaspur, District Bilaspur Chhattisgarh
5. Deputy Director, Local Fund Audit Raipur, District Raipur, Chhattisgarh

---- Respondents

**WPS No. 1853 of 2018**

- Anandram Patley S/o Sheetal Prasad Patley, Aged About 37 Years Posted As Panchayat Secretary Posted At Janpad Office, Janpad

Panchayat Pamgarh, District- Janjgir- Champa, Chhattisgarh. R/o Mukaam Mehandi, P. O. Bundela, Tehsil- Pamgarh, District- Janjgir- Champa, Chhattisgarh

---- **Petitioner**

**Versus**

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department, Mantralay, Mahanadi Bhavan, Naya Raipur Chhattisgarh
2. Chief Executive Officer, Zila Panchayat Janjgir Champa, District Janjgir Champa, Chhattisgarh
3. Chief Executive Officer, Janpad Panchayat Pamgarh, District Janjgir Champa, Chhattisgarh
4. Deputy Director, Local Fund Audit Bilaspur, District Bilaspur Chhattisgarh
5. Deputy Director, Local Fund Audit Raipur, District Raipur, Chhattisgarh

---- **Respondents**

**WPS No. 1869 of 2018**

- Dinesh Kumar Yadav S/o Shersingh Yadav, Aged About 43 Years Posted As Panchayat Secretary Posted At Gram Panchayat Semariya, Janpad Panchayat Pamgarh District Janjgir Champa Chhattisgarh R/o Mukaam Pamgarh, Post Office Pamgarh Tehsil Pamgarh, District Janjgir Champa, Chhattisgarh

---- **Petitioner**

**Versus**

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department, Mantralay, Mahanadi Bhavan, Naya Raipur Chhattisgarh
2. Chief Executive Officer, Zila Panchayat Janjgir Champa, District

Janjgir Champa, Chhattisgarh

3. Chief Executive Officer, Janpad Panchayat Pamgarh, District Janjgir Champa, Chhattisgarh
4. Deputy Director, Local Fund Audit Bilaspur, District Bilaspur Chhattisgarh
5. Deputy Director, Local Fund Audit Raipur, District Raipur, Chhattisgarh

---- Respondents

**WPS No. 1855 of 2018**

- Rajkumar Sunhare S/o Kholuram Sunhare, Aged About 48 Years Posted As Panchayat Secretary, Posted At Gram Panchayat Bhuigaon, Janpad Panchayat Pamgarh District Janjgir Champa Chhattisgarh. R/o Mukaam Pamgarh, Po Pamgarh, District Janjgir Champa Chhattisgarh

---- Petitioner

**Versus**

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department, Mantralay, Mahanadi Bhavan, Naya Raipur Chhattisgarh
2. Chief Executive Officer, Zila Panchayat Janjgir Champa, District Janjgir Champa, Chhattisgarh
3. Chief Executive Officer, Janpad Panchayat Pamgarh, District Janjgir Champa, Chhattisgarh
4. Deputy Director, Local Fund Audit Bilaspur, District Bilaspur Chhattisgarh
5. Deputy Director, Local Fund Audit Raipur, District Raipur, Chhattisgarh

---- Respondents

**WPS No. 1856 of 2018**

- Kholbehra Dinkar S/o Ghasiaram Dinkar, Aged About 45 Years, Posted As Panchayat Secretary, Posted At Janpad Pamgarh, Janpad-Panchayat Pamgarh, District- Janjgir- Champa, Chhattisgarh. R/o Semaria, P. O. Bhaiso, Tehsil- Pamgarh, District- Janjgir- Champa, Chhattisgarh

**---- Petitioner****Versus**

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department, Mantralay, Mahanadi Bhavan, Naya Raipur Chhattisgarh
2. Chief Executive Officer, Zila Panchayat Janjgir Champa, District Janjgir Champa, Chhattisgarh
3. Chief Executive Officer, Janpad Panchayat Pamgarh, District Janjgir Champa, Chhattisgarh
4. Deputy Director, Local Fund Audit Bilaspur, District Bilaspur Chhattisgarh
5. Deputy Director, Local Fund Audit Raipur, District Raipur, Chhattisgarh

**---- Respondents****WPS No. 1863 of 2018**

- Devendra Kumar Kaushik S/o Balkrishna Kaushik, Aged About 46 Years, Posted As Panchayat Secretary Posted At Gram Panchayat Kosa, Janpad Panchayat Pamgarh District Janjgir Champa Chhattisgarh. R/o Mukaam Kosa, Po Pamgarh, Tehsil Pamgarh, District Janjgir Champa Chhattisgarh

**---- Petitioner****Versus**

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department, Mantralay, Mahanadi Bhavan, Naya Raipur Chhattisgarh
2. Chief Executive Officer, Zila Panchayat Janjgir Champa, District Janjgir Champa, Chhattisgarh
3. Chief Executive Officer, Janpad Panchayat Pamgarh, District Janjgir Champa, Chhattisgarh
4. Deputy Director, Local Fund Audit Bilaspur, District Bilaspur Chhattisgarh
5. Deputy Director, Local Fund Audit Raipur, District Raipur, Chhattisgarh

**---- Respondents**

**WPS No. 1866 of 2018**

- Deriharam Ratnakar S/o Late Nanka Ratnakar, Aged About 44 Years Posted As Panchayat Secretary Posted At Gram Panchayat Jogidipa, Janpad Panchayat Pamgarh District Janjgir Champa Chhattisgarh R/o Mukaam Pangaon, Po Kuthur, Tehsil Pamgarh, District Janjgir Champa Chhattisgarh

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department, Mantralay, Mahanadi Bhavan, Naya Raipur Chhattisgarh
2. Chief Executive Officer, Zila Panchayat Janjgir Champa, District Janjgir Champa, Chhattisgarh
3. Chief Executive Officer, Janpad Panchayat Pamgarh, District Janjgir Champa, Chhattisgarh

4. Deputy Director, Local Fund Audit Bilaspur, District Bilaspur Chhattisgarh
5. Deputy Director, Local Fund Audit Raipur, District Raipur, Chhattisgarh

**---- Respondents**

**WPS No. 1872 of 2018**

- Kishunlal Lahrey S/o Late Bhore, Aged About 43 Years, Posted As Panchayat Secretary Posted At Gram Panchayat Kodabhat, Janpad Panchayat Pamgarh District Janjgir Champa Chhattisgarh R/o Mukaam Rasauta, Po Rasauta, Tehsil Pamgarh, District Janjgir Champa Chhattisgarh

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department, Mantralay, Mahanadi Bhavan, Naya Raipur Chhattisgarh
2. Chief Executive Officer, Zila Panchayat Janjgir Champa, District Janjgir Champa, Chhattisgarh
3. Chief Executive Officer, Janpad Panchayat Pamgarh, District Janjgir Champa, Chhattisgarh
4. Deputy Director, Local Fund Audit Bilaspur, District Bilaspur Chhattisgarh
5. Deputy Director, Local Fund Audit Raipur, District Raipur, Chhattisgarh

**---- Respondents**

**WPS No. 1895 of 2018**

- Akhilesh Kumar Khutey S/o Rathram Khutey, Aged About 28 Years,

Posted As Panchayat Secretary Posted At Gram Panchayat Mahka,  
Janpad Panchayat Pamgarh, District- Janjgir- Champa, Chhattisgarh.  
R/o Mukaam Bilari, P. O. Bilari, Tehsil Pamgarh, District- Janjgir-  
Champa, Chhattisgarh

---- **Petitioner**

**Versus**

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department, Mantralay, Mahanadi Bhavan, Naya Raipur Chhattisgarh
2. Chief Executive Officer, Zila Panchayat Janjgir Champa, District Janjgir Champa, Chhattisgarh
3. Chief Executive Officer, Janpad Panchayat Pamgarh, District Janjgir Champa, Chhattisgarh
4. Deputy Director, Local Fund Audit Bilaspur, District Bilaspur Chhattisgarh
5. Deputy Director, Local Fund Audit Raipur, District Raipur, Chhattisgarh

---- **Respondents**

**WPS No. 1904 of 2018**

- Sitaram Anant S/o Lt. Ramprasad Anant, Aged About 50 Years Posted As Panchayat Secretary Posted At Gram Panchayat Khargahni, Janpad Panchayat Pamgarh, District Janjgir Champa, Chhattisgarh, R/o Mukaam Padariya, Po Dhardei, Tehsil Pamgarh, District Janjgir Champa, Chhattisgarh

---- **Petitioner**

**Versus**

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department, Mantralay, Mahanadi Bhavan, Naya

Raipur Chhattisgarh

2. Chief Executive Officer, Zila Panchayat Janjgir Champa, District Janjgir Champa, Chhattisgarh
3. Chief Executive Officer, Janpad Panchayat Pamgarh, District Janjgir Champa, Chhattisgarh
4. Deputy Director, Local Fund Audit Bilaspur, District Bilaspur Chhattisgarh
5. Deputy Director, Local Fund Audit Raipur, District Raipur, Chhattisgarh

---- Respondents

**WPS No. 1913 of 2018**

- Krishna Kumar Anant S/o Late Puriram Anant Aged About 48 Years Posted As Panchayat Secretary Posted At Gram Panchayat Loharshi, Janpad Panchayat Pamgarh, District Janjgir Champa Chhattisgarh. R/o Mukaam Meubhata, Po Pamgarh, Tehsil Pamgarh, District Janjgir Champa Chhattisgarh

---- Petitioner

**Versus**

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department, Mantralay, Mahanadi Bhavan, Naya Raipur Chhattisgarh
2. Chief Executive Officer, Zila Panchayat Janjgir Champa, District Janjgir Champa, Chhattisgarh
3. Chief Executive Officer, Janpad Panchayat Pamgarh, District Janjgir Champa, Chhattisgarh
4. Deputy Director, Local Fund Audit Bilaspur, District Bilaspur Chhattisgarh



5. Deputy Director, Local Fund Audit Raipur, District Raipur, Chhattisgarh

---- Respondents

**WPS No. 1916 of 2018**

- Ram Khilawan Dinkar S/o Uderam Dinkar, Aged About 43 Years Posted As Panchayat Secretary, Posted At Gram Panchayat Silli, Janpad Panchayat Pamgarh District Janjgir Champa Chhattisgarh. R/o Mukaam Bhalwahi, Po Pamgarh, Tehsil Pamgarh, District Janjgir Champa Chhattisgarh

---- Petitioner

**Versus**

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department, Mantralay, Mahanadi Bhavan, Naya Raipur Chhattisgarh
2. Chief Executive Officer, Zila Panchayat Janjgir Champa, District Janjgir Champa, Chhattisgarh
3. Chief Executive Officer, Janpad Panchayat Pamgarh, District Janjgir Champa, Chhattisgarh
4. Deputy Director, Local Fund Audit Bilaspur, District Bilaspur Chhattisgarh
5. Deputy Director, Local Fund Audit Raipur, District Raipur, Chhattisgarh

---- Respondents

**WPS No. 1918 of 2018**

- Manoj Kumar Banjare S/o Dharamlal Banjare, Aged About 47 Years, Posted As Panchayat Secretary, Posted At Gram Panchayat Dudga, Janpad Panchayat Pamgarh, District- Janjgir- Champa, Chhattisgarh. R/o Mukaam Bhadra, P. O. Bhadra, Tehsil- Pamgarh, District- Janjgir- Champa, Chhattisgarh

---- Petitioner

**Versus**

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department, Mantralay, Mahanadi Bhavan, Naya Raipur Chhattisgarh
2. Chief Executive Officer, Zila Panchayat Janjgir Champa, District Janjgir Champa, Chhattisgarh
3. Chief Executive Officer, Janpad Panchayat Pamgarh, District Janjgir Champa, Chhattisgarh
4. Deputy Director, Local Fund Audit Bilaspur, District Bilaspur Chhattisgarh
5. Deputy Director, Local Fund Audit Raipur, District Raipur, Chhattisgarh

**---- Respondents****WPS No. 1921 of 2018**

- Sumit Singh S/o Santosh Singh, Aged About 30 Years, Posted As Panchayat Secretary Posted At Gram Panchayat Mulmula, Janpad Panchayat Pamgarh District Janjgir Champa Chhattisgarh. R/o Village Konargarh, Po Gopal Nagar, Tehsil Pamgarh, District Janjgir Champa Chhattisgarh

**---- Petitioner****Versus**

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department, Mantralay, Mahanadi Bhavan, Naya Raipur Chhattisgarh
2. Chief Executive Officer, Zila Panchayat Janjgir Champa, District Janjgir Champa, Chhattisgarh
3. Chief Executive Officer, Janpad Panchayat Pamgarh, District Janjgir Champa, Chhattisgarh

4. Deputy Director, Local Fund Audit Bilaspur, District Bilaspur Chhattisgarh
5. Deputy Director, Local Fund Audit Raipur, District Raipur, Chhattisgarh

---- Respondents

**WPS No. 1922 of 2018**

- Parvat Kumar Krishna S/o Sarjoram, Aged About 31 Years, Posted As Panchayat Secretary Posted At Gram Panchayat Hirri, Janpad Panchayat Pamgarh District Janjgir Champa, Chhattisgarh, R/o Mukaam Mekri, PO Rasauta, Tehsil Pamgarh, District Janjgir Champa, Chhattisgarh

---- Petitioner

**Versus**

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department, Mantralay, Mahanadi Bhavan, Naya Raipur Chhattisgarh
2. Chief Executive Officer, Zila Panchayat Janjgir Champa, District Janjgir Champa, Chhattisgarh
3. Chief Executive Officer, Janpad Panchayat Pamgarh, District Janjgir Champa, Chhattisgarh
4. Deputy Director, Local Fund Audit Bilaspur, District Bilaspur Chhattisgarh
5. Deputy Director, Local Fund Audit Raipur, District Raipur, Chhattisgarh

---- Respondents

**WPS No. 1926 of 2018**

- Ishwari Barman W/o Rajaram Barman, Aged About 46 Years Posted

As Panchayat Secretary Posted At Gram Panchayat Nandeli, Janpad Panchayat Pamgarh, District Janjgir Champa Chhattisgarh. R/o Mukaam Mehendi, Po Bundela Tehsil Pamgarh, District Janjgir Champa Chhattisgarh

---- **Petitioner**

**Versus**

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department, Mantralay, Mahanadi Bhavan, Naya Raipur Chhattisgarh
2. Chief Executive Officer, Zila Panchayat Janjgir Champa, District Janjgir Champa, Chhattisgarh
3. Chief Executive Officer, Janpad Panchayat Pamgarh, District Janjgir Champa, Chhattisgarh
4. Deputy Director, Local Fund Audit Bilaspur, District Bilaspur Chhattisgarh
5. Deputy Director, Local Fund Audit Raipur, District Raipur, Chhattisgarh

---- **Respondents**

**WPS No. 1927 of 2018**

- Lakheshwar Yadav S/o Dauram Yadav, Aged About 28 Years, Posted As Panchayat Secretary Posted At Gram Panchayat Kosir, Janpad Panchayat Pamgarh, District Janjgir Champa Chhattisgarh. R/o Mukaam Kosir, Po Kosir, Tehsil Pamgarh, District Janjgir Champa Chhattisgarh

---- **Petitioner**

**Versus**

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department, Mantralay, Mahanadi Bhavan, Naya

Raipur Chhattisgarh

2. Chief Executive Officer, Zila Panchayat Janjgir Champa, District Janjgir Champa, Chhattisgarh
3. Chief Executive Officer, Janpad Panchayat Pamgarh, District Janjgir Champa, Chhattisgarh
4. Deputy Director, Local Fund Audit Bilaspur, District Bilaspur Chhattisgarh
5. Deputy Director, Local Fund Audit Raipur, District Raipur, Chhattisgarh

**---- Respondents**

**WPS No. 1974 of 2018**

- Sumandas Khatkar S/o Shankardas Khatkar, Aged About 31 Years Posted As Panchayat Secretary, Posted At Gram Panchayat Rasauta, Janpad Panchayat Pamgarh, District- Janjgir- Chamapa, Chhattisgarh. R/o Mukaam Kohka, P. O. Bilari, Tehsil Pamgarh, District- Janjgir- Champa, Chhattisgarh

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department, Mantralay, Mahanadi Bhavan, Naya Raipur Chhattisgarh
2. Chief Executive Officer, Zila Panchayat Janjgir Champa, District Janjgir Champa, Chhattisgarh
3. Chief Executive Officer, Janpad Panchayat Pamgarh, District Janjgir Champa, Chhattisgarh
4. Deputy Director, Local Fund Audit Bilaspur, District Bilaspur Chhattisgarh

5. Deputy Director, Local Fund Audit Raipur, District Raipur, Chhattisgarh

---- Respondents

**WPS No. 1975 of 2018**

- Jhulbai Bhaina W/o Dharampal Bhaina, Aged About 28 Years Posted As Panchayat Secretary Posted At Gram Panchayat Tanod, Janpad Panchayat Pamgarh, District Janjgir Champa, Chhattisgarh, R/o Mukaam Soniapat, Po Saragaon, Tehsil Champa, District Janjgir Champa, Chhattisgarh

---- Petitioner

**Versus**

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department, Mantralay, Mahanadi Bhavan, Naya Raipur Chhattisgarh
2. Chief Executive Officer, Zila Panchayat Janjgir Champa, District Janjgir Champa, Chhattisgarh
3. Chief Executive Officer, Janpad Panchayat Pamgarh, District Janjgir Champa, Chhattisgarh
4. Deputy Director, Local Fund Audit Bilaspur, District Bilaspur Chhattisgarh
5. Deputy Director, Local Fund Audit Raipur, District Raipur, Chhattisgarh

---- Respondents

**WPS No. 1981 of 2018**

- Kamlesh Agrawal S/o Dindayal Agrawal, Aged About 47 Years, Posted As Panchayat Secretary Posted At Gram Panchayat Jevra Janpad Panchayat Pamgarh District Janjgir - Champa Chhattisgarh R/o Mukaam Borsi, Post Office Kosa, Tehsil - Pamgarh District Janjgir

Champa Chhattisgarh

---- **Petitioner**

**Versus**

1. State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department, Mantralay, Mahanadi Bhavan, Naya Raipur Chhattisgarh
2. Chief Executive Officer, Zila Panchayat Janjgir Champa, District Janjgir Champa, Chhattisgarh
3. Chief Executive Officer, Janpad Panchayat Pamgarh, District Janjgir Champa, Chhattisgarh
4. Deputy Director, Local Fund Audit Bilaspur, District Bilaspur Chhattisgarh
5. Deputy Director, Local Fund Audit Raipur, District Raipur, Chhattisgarh

---- **Respondents**

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|                 |   |                                                                                                                                                                                                                                      |
|-----------------|---|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| For Petitioners | : | Mr. Rohit Sharma, Advocate.                                                                                                                                                                                                          |
| For Respondents | : | Mr. Jitendra Pali & Mr. Chandresh Shrivastava, Dy. A.G., Mr. Ratan Pusty, Mr. Shashank Thakur, Mr. Ravindra Agrawal, Mr. Anand Dadariya, Mr. Garry Mukhopadhyay, Mr. Adhiraj Surana, Mr. Vivek Sharma & Mr. Mayank Kumar, Advocates. |

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**Hon'ble Shri Justice P. Sam Koshy**

**Order On Board**

**27.09.2019**

1. The challenge in all these writ petitions being the same, the core issue involved in these writ petitions being the same and the point of consideration also being the same, this Court proceeds to decide the bunch of writ petitions by this common order.

2. The challenge in all these writ petitions is to the action on the part of the respondents in revising the pay scale of the petitioners and bringing it at a lower stage than that the petitioners were drawing till December, 2016.
3. The revised lower pay scale has been made effective from January, 2017 onwards. All the petitioners before this Court are working as Panchayat Secretary. The State Govt. had issued an order on 16.08.2013 whereby a particular pay scale was prescribed to be paid to the Panchayat Secretaries. As per the circular, the persons who have less than 15 years of service, the pay scale would be Rs.3,500-10,000 with Grade Pay of Rs.1100 and the persons who have got more than 15 years service, the pay scale would be Rs.3500-10000 with Grade Pay of Rs.1200.
4. The said order was acted upon by the respective Panchayats and the petitioners herein started deriving the revised pay scale upon it being implemented. It is said that an audit was conducted in the year 2016 by the Local Fund Audit Department and the said audit team raised an objection in respect of the pay scale which was given to the petitioners herein and put an objection that the petitioners herein were not entitled for the said pay scale and that they are getting something higher than what they are otherwise entitled under the rules.
5. Based on the said objection raised by the audit department, the Janpad Panchayat Pamgarh immediately took action and calculated the actual payment which the petitioners ought to have received and that the actual payment that was paid to the petitioners and the difference of amount which allegedly is said to be excess amount paid



to the petitioners. The Janpad Panchayat also took a decision for immediately recovering the said excess amount from the arrears that was to be paid to each of the petitioners and in the process have also made substantial recovery. The Janpad Panchyat also took a decision for revising the pay scale and accordingly brought down the pay scale that the petitioners were receiving till December, 2016 which led to the filing of the present writ petition.

6. The contention of the petitioners assailing the action is that first of all, there is no order passed by the respondent authorities holding that the petitioners have got something erroneously in excess to what they were otherwise entitled for. Neither is there any specific order passed for initiating recovery proceedings nor an order of recovery. The respondents have straightaway taken a decision and recovered the amount from the arrears payable to the petitioners and at the same time also implemented the order without there being a specific order in writing bringing down the pay scale of the petitioners which they were drawing for the last more than a couple of years. The further contentions of the petitioners is that the action is also bad for the reason that there has been no opportunity of hearing given to the petitioners before firstly reducing the salary of the petitioners and secondly before recovering the alleged excess payment paid to them. Thus, the action amounts to be violation of the basic principles of natural justice. It is the further contention of the petitioners that the respondents have not taken a stand that the said erroneous fixation of pay scale granted to the petitioners was on account of any fault on the part of the petitioners or on a misrepresentation or fraud played by the

petitioners. The action if at all is purely on the part of the respondents for which the petitioners cannot be penalized by initiating recovery proceedings against them. It is also the contention of the petitioners that the recovery even otherwise has been held to be impermissible under law by the Supreme Court by a catena of decisions particularly when the recipients the petitioners are Class-III low paid employee. Moreover, the excess payment, if any, has been made on account of the fault on the part of the respondents for which the petitioners are not held responsible admittedly by the respondents. Under the said circumstances, the recovery should not have been initiated by the Department and the same deserves to be quashed and the respondents be directed to immediately refund the amount that has been recovered.

7. So far as the rectification of the erroneous fixation of pay is concerned, the contention of the petitioners is that even if that be, the least that was expected from the respondents was at least an opportunity of hearing with which the petitioners could have explained to the Department that what was received by them at the first instance between 2013 to 2016 was not erroneous but was the actual pay scale which they were otherwise entitled for. According to the petitioners, without even granting an opportunity of hearing or explanation, the respondents have unilaterally lowered the pay scale that the petitioners were receiving. Thus, the said action also deserves to be held bad in law and illegal.
8. So far as the respondents appearing for each of the case is concerned, they have a common stand that in the course of an audit

being conducted, it was found that the petitioners have been paid wrong pay scale which they were otherwise not entitled for and on the basis of the audit objection, the rectification part was taken by the Janpad Panchayat. The further stand of the respondents is that whatever excess amount has been paid because of the erroneous fixation of pay, the same has to be recovered from the petitioners and accordingly the calculation was made and the actual pay scale which the petitioners were entitled for was immediately entered in the service book of the respective petitioners. Thereafter, steps were taken by rectifying the pay scale that the petitioners were entitled for and by recovering the excess amount from the arrears payable to the petitioners. According to the respondents, this action on the part of the respondents was based on the objection raised by the audit department and therefore, it cannot be said to be bad and prayed for rejection of the writ petition.

9. Having heard the contentions put forth on either side, the admitted factual matrix of the case is that pursuant to the order of the State Govt. dated 16.08.2013, the pay scale which the petitioners were deriving prior to it was revised. The petitioners were given the enhanced revised pay scale immediately and the petitioners continued receiving the same till December, 2016. However, for the year 2017, the salary of the petitioners, for some reason, could not be released and the entire salary was released in January, 2018. When the said salary with arrears was paid to the petitioners, they for the first time came to know that their pay scale has been reduced on an audit objection by the Local Fund Audit Department. That apart from

reduction of the pay scale, the Department had also made deductions from the arrears paid to the petitioners so far as the alleged excess payment i.e. the difference of the two pay scales that the petitioners are said to have received between 2013 to December 2016.

**10.** From the aforesaid factual matrix of the case what is also undisputed is that either at the time of reduction of salary or at the time of making recovery from the arrears payable to the petitioners, the Department has not given an opportunity of hearing to any of the petitioners. This very fact is sufficient to hold the action on the part of the respondents to be violative of the principles of natural justice. It has been time and again held by the Supreme Court as also by all the High Courts that any action of the respondent employer which has an adverse civil consequence, the least that is required is an opportunity of hearing which in the instant case has not been done. Thus, the entire action stands vitiated on this ground.

**11.** So far as the recovery is concerned, as has been held in the preceding paragraphs it is also a settled position of law that what has already been received by an employee even if it has been erroneously paid to him on account of the fault of the Department and no fault of the petitioner employee, the recovery under the said circumstances would not be permissible particularly when the employee is a low paid Class-III employee.

**12.** Given the said facts, this Court is of the opinion that so far as the recovery that has been made by the Department is concerned, the said action is held to be bad in law, unjustified and illegal. Whatever recovery that has been made by the respondents from the respective

petitioners, the said amount forthwith be released and refunded back to the petitioners.

**13.** However, so far as erroneous fixation of pay is concerned, since there is a specific contention of the petitioners that there is no error so far as the pay scale that was paid to the petitioners between 2013 to 2016 is concerned, applying the principles of natural justice it is ordered that the respondent authorities may grant an opportunity of hearing to each of the petitioners in respect of the erroneous fixation of pay. That on receiving the explanation from each of the petitioners who are supposed to justify the pay scale that they have received between 2013 to 2016, the respondents may pass a fresh order altogether giving reason either accepting or rejecting the contentions of the petitioners. In either way, the effect of the fresh order would be only to the extent of the rectification of the pay scale. It is made clear that the recovery under no circumstances of what has already paid to the petitioners can be made and any amount which already stands recovered has to be refunded forthwith preferably within an outer limit of 4 months from the date of receipt of copy of this order.

**14.** With the aforesaid observation and direction the writ petition stands allowed and disposed of.

**Sd/-  
P. Sam Koshy  
Judge**