

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.1575 OF 2019**

Tripti Nandeshwar W/o Shri Virendra Nandeshwar Aged About 37 Years R/o Teacher Colony, Ward No. 13, Rajnandgaon, Police Station Chikhli, Tahsil And District- Rajnandgaon, Chhattisgarh.

...**Petitioner(s)**

Versus

1. State Of Chhattisgarh Through Its Secretary, Department Of Agriculture, Department Of Agriculture, Mahanadi Bhawan, Mantralaya, Police Station And Post- Rakhi, Atal Nagar, Raipur, District- Raipur, Chhattisgarh.
2. Deputy Director Officer Of Deputy Director, Department Of Agriculture, Collectorate Premises, Rajnandgaon, District- Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh
3. Sub Divisional Agriculture Officer Office Of The Sub Divisional Officer, Rajnandgaon, District- Rajnandgaon, Chhattisgarh.

... **Respondent(s)**

For Petitioner	:	Shri Abhishek Pandey and Shri Santosh Kumar Pandey, Advocates.
For Respondent-State	:	Shri Sameer Behar, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

07.03.2019

1. Challenge in this petition is to the order dated 29.09.2018 (Annexure P/4) passed by the respondent No.2.
2. The brief facts of the case is that, the petitioner was working as Rural Agriculture Extension Officer at District Rajnandgaon. In respect of alleged irregularity, a show cause notice was issued to the petitioner on 01.08.2018. The petitioner promptly gave detailed reply on 06.08.2018 and had categorically denied all the allegations made in the show cause notice. However, without conducting any further investigation or inquiry to the reply submitted by the petitioner

and the denial that she has made, the respondent authorities straightway passed an order on 20.08.2018 imposing minor punishment of stoppage of two annual increments without cumulative effect for a period of two years. The same authority after a period of about one month, suo motu, revised the earlier order dated 20.08.2018 and in the process cancelled the order of punishment of stoppage of annual increments and ordered for a recovery against the petitioner to the extent that the petitioner is liable to pay an amount of Rs.88,009/- to the department.

3. The solitary contention of the petitioner at this juncture assailing the order Annexure P/4 is that, before passing the order the respondent authorities ought to have granted one opportunity of hearing to the petitioner particularly when the effect of impugned order is of recovery of more than Rs.88,000/-. The petitioner submits that there is no proper explanation or basis on the part of the respondents in reaching to the figure of Rs.88,009/- for recovery.
4. Given the aforesaid facts and circumstances of the case, particularly taking note of the contentions of the petitioner that after order dated 20.08.2018 there was no representation made by her for reconsideration of the said order, and the authorities had suo motu revised its earlier order vide impugned order dated 29.09.2018, the authorities in all fairness ought to have granted one opportunity of defence to the petitioner so far as the amount of recovery that was to be made is ascertained. There is no basis available on record to reach to a conclusion that the loss is of Rs.88,009/-.

5. Under the said circumstances, this court is of the opinion that let the respondent No.2 grant an opportunity of hearing to the petitioner in respect of alleged loss caused to the department as alleged and on receiving the explanation from the petitioner, appropriate order thereafter be passed particularly in respect of recovery.
6. It is made clear that till the respondent No.2 passes a fresh order, the respondents would be restrained from giving effect to the impugned order dated 29.09.2018. However, in case if the authorities after affording an opportunity of hearing to the petitioner reaches to a conclusion that the petitioner is responsible for the loss caused, they would be at liberty to proceed further with the recovery proceedings as per the fresh order that would be passed.
7. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge