

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 8662 of 2019**

Shivnarayan Yadav, S/o. Shri Dashrath Prasad Yadav, Aged About 42 Years,
Working On The Post Of Lecturer (TLB), At Government Higher Secondary
School, Soranga, District Koriya, Chhattisgarh.

---- **Petitioner**

Versus

1. State Of Chhattisgarh, Through Its Secretary, Department Of School Education, Ministry At Mahanadi Bhawan, New Raipur, Atal Nagar, District Raipur, Chhattisgarh.
2. State Of Chhattisgarh, Through Its Secretary, Department Of Tribal Development, Ministry At Mahanadi Bhawan, New Raipur, Atal Nagar, District Raipur, Chhattisgarh.
3. Collector Baikunthpur, District Koriya, Chhattisgarh.
4. District Education Officer Baikunthpur, District Koriya, Chhattisgarh.
5. Assistant Commissioner (Tribal Development) Baikunthpur, District Koriya, Chhattisgarh.
6. Principal Government Higher Secondary School, Soranga, Block-Baikunthpur, District Koriya, Chhattisgarh.

---- **Respondents**

For Petitioner	:	Mr. Jai Prakash Shukla, Advocate
For State/Respondents	:	Mr. Soumya Rai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order On Board**

21.10.2019

Heard

1. Grievance of the petitioner is that by the order dated 01.04.2019 recovery is ordered of the House Rent Allowance from July, 2018 from the petitioner as he is residing in government premises.
2. Learned counsel for the petitioner submits that the petitioner is not residing in the aforesaid premises and on the request of the respondent No.5, the petitioner in order to carry out the official work is using the premises for official duties and he is not residing with his family. It is stated that the order dated 01.04.2019 has been passed without affording any opportunity of

hearing and even without considering the fact that the petitioner is not residing and premises is being used for official duties.

3. Perused Annexure P-1, which would show that the orders have been passed for recovery of the amount of HRA from July, 2018. When the petitioner contends that he is not residing in the government premises, this factual aspect has to be considered and ascertained. Without hearing the petitioner, the unilateral order has been passed whereby the petitioner himself disputed the very fact about residence on a particular premises. Unless and until, the disputed facts is decided, without hearing the petitioner, unilateral order could not be passed. Consequently, the order dated 01.04.2019 is set aside. The respondent shall be at liberty to give an opportunity of hearing to the petitioner and after hearing and evaluating the entire facts as to whether the subject premises is only used for official works, the respondents may pass the necessary order as they may deem fit in the facts & circumstances.
4. With such observation, the petition stands disposed of.

Sd/-
Goutam Bhaduri
Judge