

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 2032 of 2020

Dr. Uday Nath Diwan, S/o. Shri Bhukhram Diwan, Aged About 63 Years,
R/o. Village Patharri, P.S. Patewa, Post Nartora, Tahsil And District-
Mahasamund, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, Health And Medical Department, Mantralaya, Mahanadi Bhawan, Capital Complex, New Raipur, District- Raipur, Chhattisgarh.
2. Director Health Services Raipur, Indrawati Bhawan, 3rd Floor, Block A, Atal Nagar, District Raipur, Chhattisgarh.
3. Chief Medical And Health Officer Mahasamund, Chhattisgarh.
4. Block Medical Officer, Community Health Center, Tungaon, District- Raipur, Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Surendra Kumar Dewangan, Advocate
For State/Respondents	:	Mr. Akanksha Jain, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

ORDER

09.06.2020

Heard.

1. Learned counsel for the petitioner submits that after the show cause notice was issued and which was duly replied however thereafter without any hearing, the deduction from the salary is being made. He further submits that as per the order of the State dated 14.05.2013 (Annexure P-4), certain time pay scale was sanctioned which was sought to be withdrawn by the show cause and even after the reply is being filed without any decision the deduction has been made from the salary. Counsel for the petitioner further submits under the circumstances, the petitioner has made a representation on 11.02.2020 (Annexure P-7), however, the same remains to be decided but deduction from salary is made.
2. Primarily, at this stage, it would show that a show cause notice was issued to the petitioner and the petitioner submits that he has filed the reply to it. It

is further contended thereafter after filing of the reply without giving any opportunity of hearing, the salary is being deducted.

3. Be that as it may, the challenge Annexure P-1 would show that the petitioner was given an opportunity of hearing with a show cause as to why deduction be not made. As averred, the deduction is being made without any hearing, if it is so, the same cannot be sustained. The documents attached to this petition shows the petitioner has filed a representation (Annexure P-7) on 12.02.2020. In these back ground the respondent authorities are directed to decide the representation of the petitioner and as also decide the show cause notice issued to petitioner, thereby giving him an opportunity of hearing before any deduction is made from salary.
4. Under the circumstances, since the petitioner submits that no decision has been arrived after the show cause notice was served, the authorities are directed to decide the representation of the petitioner along with the show cause notice within a further period of 45 days from the date of receipt of a copy of this order. It is further made clear that if the show cause notice already stands decided after giving opportunity of hearing to the petitioner then in such case this order will loose its efficacy. It is directed that, till the representation is decided with the aforesaid exception, further deduction from salary shall not be made.
5. In view of the above, the petition stands disposed off.

Sd/-
Goutam Bhaduri
Judge

Ashok