

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 4308 of 2020**

- Ram Kumar Soni S/o Late Pyarelal Soni Aged About 58 Years
Occupation Assistant Internal Account Examiner And Taxation
Officer Under The Office Of Janpad Panchayat Dondi Lohara,
District Balod Chhattisgarh ----- **Petitioner**

Versus

1. State Of Chhattisgarh Through Secretary, Panchayat And
Social Welfare Department , Mahanadi Bhawan, Atal Nagar
Mantralaya , District Raipur Chhattisgarh.,
2. The Director Directorate Of Panchayat And Social Welfare
Department , Indrawati Bhawan, Atal Nagar Mantralaya,
District Raipur Chhattisgarh.,
3. The Collector Balod District Balod Chhattisgarh., Welfare
Department Balod District Balod Chhattisgarh.,
5. The Chief Executive Officer Jila Panchayat Balod District
Balod Chhattisgarh.,
6. The Chief Executive Officer Janpad Panchayat Dondi Lohara,
District Balod Chhattisgarh.,
7. The Joint Director Treasury, Account And Pension Durg,
District Durg Chhattisgarh.,

----- **Respondents**

For Petitioner	:	Mr. Prakash Tiwari, Advocate
For State	:	Mrs. Sunita Jain, Govt. Advocate

Hon'ble Shri Justice Goutam BhaduriOrder3-11-2020

1. Heard.
2. The challenge in this writ petition is to the order dated 2-6-

2020 (Annexure P-1) wherein remaining balance of Rs.2,13,336/- remains to be recovered from the salary of the petitioner in 43 instalments.

3. It is contended that the petitioner is a Class-III employee and no fraud or misrepresentation is committed by the petitioner to get the salary and it was after due verification the salary was paid. It is further contended that without giving any opportunity of hearing to the petitioner the impugned notice dated 2-6-2020 (Annexure P/1) has been issued which has a civil consequences, therefore, the rules of natural justice were required to be followed. It is further contended that the law laid down in the case of State of Punjab and others Versus Rafiq Masih (White Washer) and others {(2015)4 SCC 334} would also be clearly applicable to the facts of this case and recovery from the Class-III employee cannot be made.
4. Without going into the merits of this case, prima facie it appears that by notice dated 2-6-2020 (Annexure P/1) (Annexure P-1) information was sought after recovery of Rs.2,20,000/-, for recovery of remaining amount of Rs.2,13,336/-. In any case, when the recovery of the like nature is sought to be initiated then it has civil consequences. Certainly in this case the rules of natural justice are required to be followed. Prima facie perusal of the impugned notice dated 2-6-2020 shows that no opportunity of hearing was given to the petitioner and therefore, the said notice dated 2-6-2020 is

required to be struck down. Accordingly, the notice dated 2-6-2020 (Annexure P-1) is set aside. However, the liberty is given to the respondent authorities that they may proceed to hold an enquiry before such recovery is made and the petitioner shall also have the liberty to canvas all his grievance in such proceeding.

5. With the aforesaid observation, the writ petition stands disposed of.

Sd/-
(Goutam Bhaduri)
Judge

Raju