

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CONT No.883 of 2020

Ram Chandra Shukla S/o Late Shri H.P. Shukla Aged About 68 Years Working As Mass Information And Education Officer, M.E.I.O., Retired From Office Of Dist. Mass Education And Information Office On 31/05/2005, R/o B-12, 25 Bungalow Colony, Vyapar Vihar Road, Bilaspur, Police Station Civil Lines, Tahsil And Distt. Bilaspur Chhattisgarh Pin 495001,
Chhattisgarh

---- Petitioner

Versus

1. Dr. R. K. Chaturvedi Chief Medical And Health Officer, Jagdalpur, Dist. Bastar Jagdalpur Chhattisgarh
2. Dheeraj Nashine District Treasurer, Jagdalpur, District Bastar Jagdalpur, Chhattisgarh
3. Imran Khan Joint Director Treasury Account And Pension Department, Raipur Division, Raipur Chhattisgarh

---- Respondents

For Petitioner : Mr. Sanjay Agrawal, Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

17/11/2020

Heard.

1. Learned counsel for the petitioner submits that though representation was made in terms of observation made by this Court in para 10 of the common order dated 18.05.2018, till date, no decision has been taken whereas as per statutory mandate, the decision was required to be taken within a period of 4 months.

2. This Court held that all the petitioners, including the present petitioner are entitled to an opportunity of hearing before notice/recovery order are given effect to. It was further observed that the petitioners are entitled to submit individual response/objection to the proposed recovery before the authority who issued him notice. Upon submission of representation, it was obligatory on the part of the authority who have issued recovery notices to decide the case by due

examination as per observation made in paragraph 10 of the common order. However, I find that the petitioner did not submit representation containing his representation/objection in the spirit of the order passed by this Court but he simply preferred an application on 20.07.2018 stating that he is entitled to refund.

3. This cannot be said to be a representation/objection in its spirit of the observation made by this Court in para 10 of the common order. Therefore, no action can be initiated against the respondent who issued him recovery notice. It will be open for the petitioner to submit his representation/objection on merits before the concerned authority who issued recovery notice and if such representation is made, the order of this Court would oblige the authority to decide the same within a period of four months from the date of receipt of copy of representation/objection.

4. Since no contempt notices has been issued on the basis of material placed before the Court, subject to the said liberty, the contempt petition is dismissed.

5. It is made clear that this order shall entitle the petitioner to submit representation within a period of 12 weeks from today.

Sd/-
(Manindra Mohan Shrivastava)
Judge