

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2099 of 2013

- Sunaoram Rathore S/o Shri Jaitram Rathore
Aged About 59 Years R/o Village Signasra,
Block Sakti, PS Sakti, District Janjgir
Champa, C.G.

----- Petitioner

Versus

- 1.State of Chhattisgarh, Secretary, Public
Health Engineering Department, State of
Chhattisgarh, Mantralaya, Naya Raipur, C.G.
- 2.Executive Engineer Public Health Engineering
Department, Block Janjgir & Champa, District
Janjgir & Champa, C.G.
- 3.Joint Director, Funds Accounts and Pension
Department, Bilaspur, C.G.
- 4.Union of India Through Office Of Accountant
General, Bairan Bazar, Raipur, C.G.

----- Respondents

For Petitioner :- Ms. Diksha Gouraha, Advocate.
For State/Respondents No.1 to 3 :- Mr. Animesh
Tiwari, Dy. A.G.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

09/09/2021

1.Learned counsel for the petitioner submits that petitioner has served with a notice dated 14.02.2013 for recovery of Rs.1,00,016/- and he has been asked by the respondent to sign an undertaking saying that the respondent authorities can recover the excess amount of Rs.1,00,016/- from the petitioner and in case of his death, without affording any opportunity of hearing which is in violation of principles of natural justice, as such, it is liable to be set aside.

2.Learned State counsel submits that the only concept has been asked to be recovery of the aforesaid amount, therefore, the petitioner has no case for interference.

3.I have heard learned counsel for the parties and considered their rival submissions and also perused the record with utmost circumspection.

4.Considering the facts it is held clearly that as per the determination by Joint

Director, Treasury and Accounts
Rs.1,00,016/- has been paid in excess to the
petitioner, therefore, it is liable to be
recovered, but it appears that no show cause
of notice has been served to the petitioner
to explain which is in violation of
principles of natural justice, as such, the
impugned order dated 14.02.2013 is set
aside. However, respondent authority is at
liberty to proceed in accordance with law.

5. With the aforesaid observation / direction
the instant writ petition stands disposed
off.

Sd/-
(Sanjay K. Agrawal)
Judge

Ankit