

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 1354 of 2012**

1. Durgesh Kumar Sahu, S/o Indal Ram Sahu, Aged about 37 years, Teacher (Panchayat), Middle School, Boirdih, Block Doundilohara, Distt. Balod, Chhattisgarh.
2. Kheman Lal Sahu, S/o Phool Singh Sahu, Aged about 43 years, Teacher (Panchayat), Middle School, Asra, Block Doundilohara, Distt. Balod, Chhattisgarh.
3. Sant Ram Thakur, S/o Rohidas Thakur, Aged about 40 years, Teacher (Panchayat), Middle School, Nalpani, Block Doundilohara, Distt. Balod, Chhattisgarh.
4. Narendra Kumar Sahu, S/o Mahendra Kumar Sahu, S/o Tihara Ram Sahu, Aged about 42 years, Teacher (Panchayat), Middle School, Batera, Block Doundilohara, Distt. Balod, Chhattisgarh.
5. Dhanraj Singh Sahu, S/o Tihara Ram Sahu, Aged about 42 years, Teacher (Panchayat), Middle School, Batera, Block Doundilohara, Distt. Balod, Chhattisgarh.
6. Om Prakash Sahu, S/o Bhagwan Singh Sahu, Aged about 42 years, Teacher (Panchayat), Middle School, Batera, Block Doundilohara, Distt. Balod, Chhattisgarh.
7. Smt. Kunti Dewangan, W/o Dhaneshwar Dewangan, Aged about 38 years, Teacher (Panchayat), Middle School, Achholi, Block Doundilohara, Distt. Balod, Chhattisgarh.
8. Jeevan Lal Kotendra, S/o Gannu Ram Kotendra, Aged about 42 years, Teacher (Panchayat), Middle School,

Asra, Block Doundilohara, Distt. Balod, Chhattisgarh.

9. Smt. Sunita Bhuarya, S/o Hridya Ram Bhuarya, Aged about 41 years, Teacher (Panchayat), Middle School, Asra, Block Doundilohara, Distt. Balod, Chhattisgarh.

10. Chandrabhan Deshlahare, S/o Goutam Singh Deshlahare, Aged about 36 years, Teacher (Panchayat), Middle School, Singarpur, Block Doundilohara, Distt. Balod, Chhattisgarh.

11. Smt. Jageshwari Waika, W/o Harish Waika, Aged about 33 years, Teacher (Panchayat), Middle School, Navgaon, Block Doundilohara, Distt. Balod, Chhattisgarh.

12. Tikam Singh Thakur, S/o Bihari Lal Thakur, Aged about 40 years, Teacher (Panchayat), Middle School, Hathoud, Block Doundilohara, Distt. Balod, Chhattisgarh.

13. Chakradhar Sahu, S/o Mulchand Sahu, Aged about 39 years, Teacher (Panchayat), Middle School, Piperkhar, Block Doundilohara, Distt. Balod, Chhattisgarh.

14. Charan Singh Thakur, S/o Jethoo Ram Thakur, Aged about 42 years, Teacher (Panchayat), Middle School, Piperkhar, Block Doundilohara, Distt. Balod, Chhattisgarh.

15. Om Prakash Keshara, S/o Punau Ram Keshara, Aged about 41 years, Teacher (Panchayat) Middle School, Kochera, Block Doundilohara, Distt. Balod, Chhattisgarh.

16. Bharosa Ram Sahu, S/o Jokhu Ram Sahu, Aged about 41 years, Teacher (Panchayat) Middle School,

Bhurkabhat, Block Doundilohara, Distt. Balod, Chhattisgarh.

17. Milap Singh Chinab, S/o Birjhu Ram Chinab, Aged about 41 years, Teacher (Panchayat) Middle School, Bhandera, Block Doundilohara, Distt. Balod, Chhattisgarh.
18. Smt. Ahilya Dewangan, S/o Sateesh Kumar Dewangan, Aged about 42 years, Teacher (Panchayat) Middle School, Bhurkhabhat, Block Doundilohara, Distt. Balod, Chhattisgarh.
19. Brijmohan Das Manikpuri, S/o Buddhu Das Manikpuri, Aged about 40 years, Teacher (Panchayat) Middle School, Parsuli, Block Doundilohara, Distt. Balod, Chhattisgarh.
20. Pawan Kumar Sahu, S/o Hemnath Sahu, Aged about 44 years, Teacher (Panchayat) Middle School, Mudkhusara, Block Doundilohara, Distt. Balod, Chhattisgarh.

---Petitioners

Versus

1. State of Chhattisgarh, Through Secretary, Panchayat Department, D.K.S. Bhawan, Raipur, Chhattisgarh.
2. Chief Executive Officer, Zila Panchayat, Durg, Chhattisgarh.
3. Chief Executive Officer, Janpad Panchayat Dondi, Distt. Balod, Chhattisgarh.
4. Block Education Officer, Dondi, Distt. Balod, Chhattisgarh.

---Respondents

For Petitioners :- Mr. Pawan Shrivastava, Advocate

For State :- Mr. Siddharth Dubey, Dy. G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

19/08/2021

1. Proceedings of this matter have been taken up through video conferencing.
2. Mr. Pawan Shrivastva, learned counsel for the petitioners, would submit that by the impugned order dated 22.02.2012 order of recovery has been passed against the petitioners without giving reasonable opportunity of hearing and without issuing any show cause notice to explain their stand which is liable to be set aside.
3. Mr. Siddharth Dubey, learned State counsel, would support the impugned order.
4. I have heard learned counsel for the parties and considered their rival submissions and also perused the record with utmost circumspection.
5. True it is that by the impugned order the Chief Executive Officer, Zila Panchayat, Durg, has held that petitioners have wrongly been given four

weightage in granting the pay-scale w.e.f 01.04.2007 that has been directed to withdraw and the excess amount has been directed to be recovered from the petitioners but no opportunity of hearing has been afforded to them before passing the impugned order. Once the order of recovery has been passed petitioners ought to have been given show cause notice before passing the impugned order so that they could have explained their stand before the concerned authorities.

6. In view of that, the impugned order dated 22.02.2012 (Annexure – P/2) is set aside set aside. The Chief Executive Officer, Zila Panchayat, Durg, is at liberty to proceed in accordance with law.

7. The writ petition is allowed to the extent indicated herein-above.

Sd/-
(Sanjay K. Agrawal)
Judge

Harneet