

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2274 of 2012**

1. Banau Ram Netam, S/o Kodru Ram, aged about 40 years, Teacher (Panchayat), Middle School Tuadand, Post Mahamaya, Dondi, District Balod, C.G.
2. Smt. Sunita Padoti, W/o Shri Naresh Kumar Padoti, aged about 36 years, Teacher (Panchayat), R/o Village Kuwagondi, Post Surdongar Block Dondi District Balod, C.G.
3. Smt. Nirmala Madhukarrao Talmale, W/o Madhukar Rao Talmale, aged about 41 years, R/o Near Nirmala School, Chikhalakasa Road, Dallirajhara, District Balod, C.G.
4. Smt. Nanda Bhardwaj W/o Jay Singh Bhardwaj, aged about 47 years, Teacher (Panchayat), Girls Middle School Chikhalakasa, Tahsil Dondi, District Balod, C.G.
5. Smt. Nisha Bansode, W/o Chadra Shekar Bansode, aged about 42 years, Teacher (Panchayat) R/o Ajad Nagar, Near Nirmala

School, Chikhalakasa Road, Dallirajhara,
District Balod, C.G.

----- **Petitioners**

Versus

- 1.State of Chhattisgarh, through the
Secretary, Panchayat Department, D.K.S.
Bhawan, Raipur, C.G.
- 2.Chief Executive Officer, Zila Panchayat,
Balod, C.G.
- 3.Chief Executive Officer, Janpad Panchayat,
Dondi, District Balod, C.G.
- 4.Block Education Officer, Dondi, District
Balod, C.G.

----- **Respondents**

For Petitioners :- Mr. Vinod Kumar Sharma, Adv.
For State/Respondents No.1 & 4 :- Mr. Siddharth
Dubey, Dy. G.A.
For Respondents No.2 & 3 :- Mr. Pawan
Shrivastava, Adv.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

26/08/2021

- 1.Proceedings of this matter have been taken up
through video conferencing.

2. 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. Learned counsel for the respondents 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, Balod, has held that the 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 is set aside set aside. The Chief Executive Officer, Zila Panchayat, Balod, 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

Ankit