

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 6680 of 2011**

- L.P. Saket S/o Shri Sadhuwa Saket, aged about 48 years, Occupation Service, Presently Posted as Junior Assistant in the Chhattisgrh State Civil Supplies Corporation Ltd. Mangla Chowk, Bilaspur C.G.

----- Petitioner**Versus**

- 1.State of Chhattisgarh through the Managing Director, Chhattisgarh State Civil Supplies Corporation Ltd., Raipur C.G.
- 2.Managind Director, Chhattisgarh State Civil Supplies Corporation Limited, Raipur, C.G.
- 3.District Managar, Chhattisgarh State Civil Supplies Corporation Limited, Janjgir, District Janjgir-Champa, C.G.

----- Respondents

For Petitioner :- Dr. N.K. Shukla, Senior Advocate with Ms. A. Sen Gupta, Advocate.
For Respondent No.1 :- Mr. Animesh Tiwari, Addl. A.G.
For Respondents No.2 & 3 :- Mr. Yogendra Pandey, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****04/08/2021**

1. Proceedings of this matter have been taken up through video conferencing.
2. Dr. N.K. Shukla, learned Senior counsel, would submit that order dated 26.07.2011 vide Annexure P/3 directing recovery of Rs.7,44,164/- has been passed by respondent No.2 holding that the reply filed by the petitioner is not satisfactory but no reason has been assigned whereas the reasoned and speaking order ought to have been passed while huge recovery ordered against the petitioner, as such, the order impugned deserves to be set aside.
3. Mr. Animesh Tiwari, learned State counsel, & Mr. Yogendra Pandey, learned counsel for respondents No.2 & 3, would support the impugned order and submit that after issuing show cause notice the impugned order vide Annexure P/3 dated 26.07.2011 directing recovery of Rs.7,44,164/-.
4. I have heard learned counsel for the parties considered their rival submission made herein above and went through the record with utmost circumspection.

5. It appears that the petitioner was served with show cause notice dated 17.06.2011 and in which the petitioner has filed his reply stating that he is not liable for the aforesaid recovery and no misconduct has been committed by him. By the impugned order Managing Director-respondent No.2 of the company simply held that the reply filed by the petitioner is not satisfactory and proceeded to order for recovery of Rs. 7,44,164/-. Once the petitioner has been subjected to show cause notice and appropriated reply is filed while taking a decision of recovery of the huge amount to the extent of Rs.7,44,144/- respondent No.2 was obliged to record the reason for coming to the conclusion that the petitioner is responsible and no satisfactory reason has been assigned in the reply but impugned order dated 26.07.2011 is totally unspeaking and unreasoned order. No reason has been recorded as to why the reply of the petitioner is not satisfactory. Respondent No.2 was otherwise obliged to record reasons for ordering the recovery of Rs.7,44,164/- and, as such, it is

a violation of principles of natural justice, therefore, the impugned order dated 26.07.2011 is hereby quashed and matter is remitted to the respondent No.2 for issuing fresh notice alongwith the documents to the petitioner and if the additional reply is filed by the petitioner, take into consideration additional reply so filed and to take fresh decision in accordance with law and to pass a reasoned and speaking order within two months from the date of copy of this order.

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

Sd/-
(Sanjay K. Agrawal)
Judge

Ankit