

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 2199 of 2021**

Anil Kumar Chaturvedi S/o Shri A. V. Chaturvedi, Aged About 61 Years
Occupation - Senior Agriculture Development Officer Pratappur, Block
And Division - Pratappur, District Surajpur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through - The Secretary, Department Of Agriculture, Mahanadi Bhawan, Mantralaya, Atal Nagar, Raipur, District Raipur, Chhattisgarh
2. Commissioner, Department Of Agriculture Raipur, Mahanadi Bhawan, Mantralaya, Atal Nagar, Raipur, District Raipur, Chhattisgarh
3. Dy. Director, Department Of Agriculture Bilaspur, Division - Bilaspur District Bilaspur, Chhattisgarh
4. Joint Director, Department Of Agriculture Bilaspur, Division - Bilaspur, District Bilaspur, Chhattisgarh
5. District Manager, C.G. State Seed And Agriculture Development Corporation Ltd., Torwa Naka, Bilaspur, District – Bilaspur, Chhattisgarh
6. Dy. Director Surajpur, District – Surajpur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Soumitra Kesharwani, Advocate
For State	:	Mr. Aditya Bhardwaj, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****01.04.2021**

1. The challenge in the present writ petition is to the inaction on the part of the respondents initiating a recovery proceeding against the petitioner to the tune of Rs.7,77,244/- whereby it has been ordered that there

shall be deduction of Rs.25,000/- per month till his retirement and the balance amount shall be recovered from the retiral dues payable to the petitioner.

2. The solitary contention and challenge to the action of recovery is on the ground that the petitioner has not been granted a fair opportunity of hearing before passing the recovery order. According to the petitioner, though in Annexure P-1 there is a reference of a couple of notices to be issued but he has not received a single notice till date from any of the authorities concerned and therefore he could not submit explanation or reply to the said notice. The contention of the petitioner is that provided an opportunity of hearing being granted to the petitioner he would produce sufficient explanation to establish the fact that he would not be responsible for any recovery to be made and therefore, the notices Annexure P-1, P-2 & P-3 be kept in abeyance till a fair opportunity of hearing is provided to the petitioner.
3. State counsel, on the other hand, submits that it is a case where the petitioner in the course of discharging his duties as a Senior Agriculture Development Officer has not been able to provide the details of certain products which are said to have been purchased by the petitioner and the details of which are not available/traceable in the department, for which the petitioner was issued with various letters to provide his explanation in respect of the same. Since the petitioner did not respond to the letters/notices, the authorities had no other option but to initiate recovery proceeding against the petitioner for the alleged loss caused to the department.
4. Be that as it may, a plain reading of the document Annexure P-1 would reveal that it reflects to certain products and bills pertaining to the year

2009-2012 i.e. of a period of roughly 10 years back. Given the said fact it was expected of the respondents that a reasonable period of time ought to have been granted to the petitioner to collect necessary information from the department concerned where he was posted during the said period so as to provide justified explanation. It is difficult to expect somebody to remember the fact of certain transactions made about 10 years back and for which at least a reasonable period of time should have been provided to the petitioner so that he could have visited the concerned office, perused the relevant records and obtained the relevant copies of the same to be made part of the explanation that he could have otherwise provided.

5. A plain reading of Annexure P-1 and the dates of the notices issued to the petitioner would show that the same have been issued at a short interval of time and there does not seem to be any proper service of the same made effective upon the petitioner.
6. Under the circumstances, the writ petition at this juncture can be disposed of directing the respondents to grant another opportunity of hearing to the petitioner and for which the respondent authorities shall issue an appropriate notice within a period of 30 days from the date of receipt of copy of this order by granting a reasonable time to the petitioner for providing explanation which the petitioner should provide at the earliest. Thereafter on due scrutiny of the explanation and justification to be provided by the petitioner, an appropriate fresh order should be passed by the respondents. Till an appropriate fresh order is passed, the respondents are restrained from giving effect to the order of recovery dated 08.03.2021 Annexure P-1 and the consequent orders Annexure P-2 dated 09.03.2021 and Annexure P-3 dated 19.03.2021.

7. With the aforesaid observation, the writ petition stands disposed of.

**Sd/-
P. Sam Koshy
Judge**

Khatai