

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (S) No.51 of 2014

Smt. Krishna Mishra, W/o Late, aged about 60 years, R/o Street No.3,
Mahamaya Vihar, Warehouse Road, P.S. Civil Lines, Bilaspur, Distt.
Bilaspur (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, Through the Secretary, Department of Urban Administration & Development, Mantralaya, Mahanadi Bhawan, Naya Raipur, Raipur (C.G.)
2. Joint Director, Urban Administration and Development, Regional Office, Bilaspur (C.G.)
3. Director, Directorate of Urban Administration and Development, Chhattisgarh, Raipur (C.G.)

---- Respondents

For Petitioner: Mr. N. Naha Roy, Advocate.

For State/Respondents: Mr. Siddharth Dubey, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

06/09/2021

1. Mr. N. Naha Roy, learned counsel appearing for the petitioner, would submit that charge-sheet against the original petitioner has already been quashed in W.P.(S)No.2781/2011 today and the petitioner may be given liberty to make application for review / recall of the order dated 8-5-2013 which has been questioned in this writ petition, as now, the recovery is under challenge and even otherwise, no opportunity of hearing has been given to the petitioner.
2. Mr. Siddharth Dubey, learned State counsel, would submit that case of the petitioner has to be decided in accordance with Rule 6 of the Chhattisgarh Municipal Services (Pension) Rules, 1980.

3. I have heard learned counsel for the parties and considered their rival submissions made herein-above and also went through the record with utmost circumspection.
4. Since by the impugned order dated 8-5-2013, ₹ 2,20,131/- has been directed to be recovered from the original petitioner and no opportunity of hearing has been granted to him and charge-sheet dated 28-6-2011 has already been quashed by this Court today in W.P.(S) No.2781/2011, the matter is remitted to the Deputy Director (Pensions) who will consider the matter afresh and pass order in accordance with law within 30 days from the date of receipt of a copy of this order. The petitioner is at liberty to produce all the documents in support of the original petitioner's case. Since the original petitioner had already died on 24-2-2021, the Deputy Director (Pensions) is directed to consider and decide the matter within the stipulated time.
5. With the aforesaid observation and direction, the writ petition stands finally disposed of. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge