

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1783 of 2012

1. Nirmal Kumar Sahu S/o Shri Kunwar Singh Sahu,
aged about 44 years, Occupation Teacher
(Panchayat), Govt. Middle School Chichalgondi,
Tahsil Gunderdehi, Block Gunderdehi, District
Balod, C.G.
2. Kishore Kumar Sahu S/o Shri Premprakash Sahu,
aged about 40 years, Occupation Teacher
(Panchayat), Govt. Middle School, Ruda, Tahsil
Gunderdehi, Block Gunderdehi, 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, Durg
C.G.
3. Chief Executive Officer, Janpad Panchayat,
Gunderdehi District Balod, C.G.
4. Block Education Officer, Gunderdehi, District
Balod C.G.

----- Respondents

For Petitioners :- Mr. Vinod Kumar Sharma, Adv.

For State/Respondents No.1 & 4 :- Mr. Sanjay Pathak, PL

For Respondent No.2 :- Mr. Pawan Shrivastava, Adv.

For Respondent No.3 :- Mr. Rajnish Singh Baghel, Adv.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

17/08/2021

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, Durg, 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, 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

Ankit