

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2087 of 2012**

1. Tukaram Sahu S/o Anand Ram Sahu, aged about 35 years, Teacher (Panchayat), Govt. Middle School, Dhurwatola, Block Dondi, District Balod, C.G.
2. Nand Kumar Sahu, S/o Chhabi Lal Shu, aged about 39 years, Teacher (Panchayat), Govt. Middle School, Chhindgaon, Block Dondi, District Balod, C.G.
3. Smt. Uma Baby Tiwari, W/o Bodhan Prasad, aged about 47 years, Teacher (Panchayat), Govt. Middle School, Marri, Block Dondi, District Balod, C.G.
4. Smt. Babita Saverkar W/o Sukhram, aged about 37 years, Teacher (Panchayat), Govt. Middle School, Gotipara, Block Dondi, District Balod, C.G.
5. Smt. Ambika Kothari, W/o Shravn Kumar, Teacher (Panchayat), Govt. Middle School, Chhindgaon, Block Dondi, District Balod, C.G.
6. Lekhram Sahu, S/o Baldu Ram Sahu, aged about 39 years, Teacher (Panchayat), Govt. Middle School, Jurhatola, Block Dondi, District Balod, C.G.
7. Ku. Talsa Lonhare, D/o Ramdas Lonhare, aged

about 35 years, Teacher (Panchayat), Govt. Middle School, Marri, Block Dondi, District Balod, C.G.

8. Ku. Prem Sharma, D/o Shivdayal Shamar, aged about 36 years, Teacher (Panchayat), Govt. Middle School, Rivagahan, Block Dondilohara, District Balod, C.G.

9. Aghan Singh Thakur, S/o Sirdar Singh, aged about 44 years, Teacher (Panchayat) Govt. Middle School Pandel Block Dondi Distt. Balod C.G.

10. Smt. Kanak Verma, W/o C.L. Verma, aged about 48 years, Teacher (Panchayat), Govt. Middle School, Dhurvatola, Block Dondi, District Balod, C.G.

11. Smt. Savita Ghanshyam, W/o Jairam Ramteke, aged about 44 years, Teacher (Panchayat), Govt. Middle School, Durvatola, Block Dondi, District Balod, C.G.

12. Anita Thakur, W/o Jogendra Thakur, aged about 41 years, Teacher (Panchayat), Govt. Adivasi Kanya Ashram Aamadula, Block Dondi, District Balod, C.G.

----- Petitioners

Versus

1. State of Chhattisgarh throuh 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,
Dondi, C.G.

4.Block Education Officer, Dondi, C.G.

----- Respondents

For Petitioners :- Mr. Vinod Kumar Sharma, Adv.
For Respondent No.2 :- Mr. Pawan Shivastava, 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 the 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. 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