

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 2915 of 2021

1. Surendra Kumar Dubey S/o Late Kedarnath Dubey Aged About 62 Years
R/o 204 Jawahar Nagar, Durg, District Durg Chhattisgarh.

---Petitioner(s)

Versus

1. Chhattisgarh State Ware Housing Corporation Through The Chairman,
Chhattisgarh State Warehousing Corporation, 22 Anand Nagar, Raipur
District Raipur Chhattisgarh.
2. The Managing Director (Disciplinary Authority) Chhattisgarh State
Warehousing Corporation, 22 Anand Nagar Raipur, District Raipur
Chhattisgarh.
3. Manager Karmik State Warehousing Corporation, Head Office, Raipur
District Raipur Chhattisgarh.

---Respondents

For Petitioner	:	Shri Awadh Tripathi, Advocate.
For Respondents	:	Shri BD Guru, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

02.07.2021

1. Aggrieved by the impugned order dated 27.02.2021, the present writ
petition has been filed. Vide the said impugned order the respondents
have ordered for recovery of an amount of Rs.37,24,275/- from the
petitioner.
2. The contention of the petitioner is that before passing the impugned order
on 27.02.2021 the respondents had issued a show cause notice only on
23.02.2021 and the petitioner was to retire from service on 28.02.2021 and
27.02.2021 being the last working day he was retired on 27.02.2021 and it
was on the same day he was issued with a notice of recovery.
3. During the course of hearing, it is revealed that the petitioner has already
preferred an appeal to the respondent No.1 and the appeal is pending
consideration as would be evident from the couple of notices that were
issued to the petitioner for hearing on appeal.

4. Since the appeal is already pending, the writ petition at this juncture stands disposed of directing the respondent No.1 to take a decision on the appeal in accordance with law at the earliest granting due opportunity of hearing to the petitioner within a period of 45 days from the date of receipt of copy of this order. For the period of those 45 days or till the appeal is finally decided, whichever is earlier, the respondents shall not act on the notice of recovery dated 27.02.2021 issued against the petitioner.
5. Needless to say that the petitioner would be at liberty to challenge the outcome of the appeal before the appropriate authority or court, as the case may be.
6. The writ petition accordingly stands disposed of with the aforesaid observations.

Sd/-
(P. Sam Koshy)
Judge

inder