

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2466 of 2013**

1. Roop Narayan Deshmukh S/o T.R. Deshmukh, Aged About 47 Years, Occupation Lecturer Panchayat, at Government Higher Secondary School, Jhalmala, Balod, R/o Balod Tahsil and Police Station Balod, District Balod C.G.
2. Keshav Baghel S/o Ram Krishna Baghel, Aged About 42 Years, Occupation Teacher Panchayat, at Government Middle School, Kherthadih, Balod, R/o Village Amapara, Tahsil and Police Station Balod District Balod C.G.

----- Petitioners**Versus**

1. State of Chhattisgarh, Through Secretary Panchayat and Rural Welfare Department, Office Situated at Mahanadi Bhawan, New Raipur, District Raipur, C.G.
2. The Chief Executive Officer, District Panchayat Durg, Office Situated at District Panchayat Durg C.G.
3. The Block Education Officer (ALL) Janpad Panchayat Balod, District Durg/Balod/Bemetara C.G.

----- Respondents

For Petitioners :- Mr. Praveen Dhurandhar, Adv.
For State/Respondents No.1 & 3 :- Mr. Sunil
Otwani, Addl. A.G.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

08/09/2021

- 1.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.
- 2.Learned counsel for the State would support the impugned order.
- 3.I have heard learned counsel for the parties and considered their rival submissions and also perused the record with utmost circumspection.
- 4.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.

5. 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.

6. The writ petition is allowed to the extent indicated herein-above.

Sd/-
(Sanjay K. Agrawal)
Judge

Ankit