

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 5573 of 2020**

Laxman Das Manikpuri S/o Late Shri M.D. Manikpuri Aged About 63 Years At R/o Kabir Sadan River View Colony, Koni, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Skill Development, Skill Education And Employment, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Director Directorate Of Skill Development, Skill Education, Fourth Floor, Indrawati Bhawan, Naya Raipur, Atal Nagar, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. Joint Director Regional Office, Industrial Training Institute, Bilaspur, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
4. Principal Government ITI College, Koni, Bilaspur, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
5. Principal Government ITI College, Masturi, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Sangharsh Pandey, Advocate
For State	:	Ms. Hamida Siddiqui, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****25/01/2021**

1. The challenge in the present writ petition is to the impugned order Annexure P/1 dated 18.03.2019, issued by the respondent No.4 to the respondent No.5.
2. The whole issue revolves around a quarter No. P-34/2 situated at Koni, Bilaspur. The petitioner working under the respondents was allotted this quarter vide Annexure P/2 dated 26.11.1996 with

specific rent prescribed in the same order. The said rent was being deducted from the salary of the petitioner and the petitioner also did not avail the benefit of HRA, which he was otherwise entitled for. The petitioner continued to retain the said quarter till the impugned notice Annexure P/1 was issued.

3. The counsel for the petitioner submits that since subsequently the petitioner was transferred to Masturi, the Department asked him to vacate the quarter, which he has immediately vacated without any inordinate delay. Pursuant to which Annexure P/1 has now been issued whereby the respondent No.4 has informed the respondent No.5 that a recovery has to be made from the petitioner for an amount of Rs.3,83,800/- on account of the retention of the aforesaid quarter from November, 2012 to September, 2018.
4. The State counsel at this juncture submits that Annexure P/1 is an internal correspondence between the respondent No.4 to the respondent No.5. No order as such against the petitioner has till date been passed, therefore the present writ petition at this juncture is too premature. The counsel for the respondents relied upon the judgment of the Hon'ble Supreme Court in the case of **“Sethi Auto Service Station & Another v. Delhi Development Authority & Others” 2009(1) SCC 180** saying that internal correspondences inter se within the Department would not give rise to a cause of action for challenging the same.
5. Accepting the contention of the learned State counsel, this Court is of the opinion that since as per the State counsel itself, Annexure P/1 being an internal communication, unless the same is duly

served upon the petitioner, the petitioner would not have the right to challenge the same. However, meanwhile it is ordered that till a formal order is issued to the petitioner in this regard, no recovery as such shall be made pursuant to Annexure P/1 from the petitioner.

6. Meanwhile, the respondent authorities are also directed to consider the claim of the petitioner for the release of the pensionary and other retiral dues unpaid to him inspite of the fact that he stands retired w.e.f. 29.02.2020. The payment of retiral dues should be finalized within a period of 90 days from the date of receipt of the copy of this order.
7. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved