

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WPS No. 775 of 2023

Surendra Singh Sikarwar S/o Late Roshan Singh Sikarwar Aged About 50 Years
Currently Posting At M.T. Workshop, Jagdalpur Chhattisgarh. R/o 5th Batallion,
Chasbal, Jagdalpur District Bastar Chhattisgarh.

---- Petitioner

Versus

1. State of Chhattisgarh Through Secretary, Home Department, Atal Nagar, Mahanadi Bhawan, Nava Raipur, District Raipur Chhattisgarh.
2. Inspector In General Bastar IG. Office Jagdalpur, District Bastar Chhattisgarh
3. Superintendent of Police S.P. Office Jagdalpur, District Bastar Chhattisgarh
4. Fighter/Head Chhattisgarh Police Karamchari Sakh And Kalyan Sahkari Samiti Mariyadit, 5th Vahini Chasbal, Jagdalpur, District Bastar Chhattisgarh
5. Secretary Chhattisgarh Police Karamchari Sakh And Kalyan Sahkari Samiti Mariyadit, 5th Vahini Chasbal, Jagdalpur, District Bastar Chhattisgarh..

---- Respondents

27.01.2023	Mr. PK Tulsiyan, Advocate for the petitioner. Mr. Vaibhav Singh, PL for the State/respondent Nos.1 to 3. Heard. Issue notice to the respondents. Mr. Singh accepts notice on behalf of respondent Nos.1 to 3. hence, process fee is not required to be paid. He prays for four weeks' time to file reply. On payment of process fee, issue notice to respondent Nos.4 & 5 as per rules. Notice be made returnable within four weeks. Also heard on application for grant of interim relief.

Learned counsel for petitioner submits that petitioner was served with impugned letter/notice mentioning amount to be recovered from him. Earlier notice was issued for recovery of amount of Rs.14,70,087/- and subsequently in notice dated 08.12.2022 amount to be recovered from petitioner is mentioned of Rs.11,56,876/-. Petitioner at no point of time has taken loan of the amount, which is subject matter of writ petition. If amount of installments towards loan is permitted to be made from salary of petitioner, he will suffer adversely.

Learned State Counsel submits that perusal of documents annexed alongwith writ petition would show that based on objection raised by petitioner, some enquiry was conducted and report of enquiry was against the petitioner.

At this stage, counsel for petitioner submits that enquiry was not properly conducted therefore report/opinion cannot be relied at this stage.

Heard counsel for the respective parties.

Considering facts and of the case, documents placed on record, submissions of counsel for respective parties, purely as an interim measure, it is directed that effect and operation of letter dated 15.12.2021 and 08.12.2022 (Annexure P-1) shall remain stayed till the next date of hearing.

List the matter in week commencing from **27.03.2023**.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge