CGHC010201522019 2026:CGHC:38387

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 4755 of 2019

1 - Smt. Yashoda Shandilya W/o Shri Ramphal Shandilya Aged About 55 Years Presently Working As Assistant Grade- Ii In The Office Of Canal Deputy Collector, Hasdeo Canal Project, Janjgir, District- Janjgir- Champa, Chhattisgarh.

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through Secretary, Water Resources Department, Mantralya, Mahanadi Bhawan, Atal Nagar, Raipur, District- Raipur, Chhattisgarh.
2 - Chief Engineer Water Resources Department, Minimata Hasdeo Bango Pariyojna, Bilaspur, District- Bilaspur, Chhattisgarh.
3 - Superintendent Engineer Hasdeo Pariyojna Project, Rampur/ Korba, District- Korba, Chhattisgarh.
4 - Executive Engineer Hasdeo Canal Water Management Division, Janjgir, District- Janjgir- Champa, Chhattisgarh.,
5 - Joint Director Account, Treasury And Pension, Bilaspur, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

... Respondent(s)

For Petitioner(s)	**:**	Mr. C. Jayant K. Rao, Advocate
For Respondent/State	**:**	Mr. H.A.P.S. Bhatia, P.L.

Hon’ble Shri Sanjay K. Agrawal, Judge

Order on Board

31.08.2026

1. The present writ petition has been filed seeking following relief(s):-

> *10.1 That this Hon’ble Court may kindly be pleased to set aside the recovery proceedings (Annexure P/1) issued by respondent No. 4.*
> *10.2 That this Hon’ble Court may kindly be pleased to direct the respondent No. 2 fixed the pay scale of the petitioner and further provide the arrears amount to the petitioner on account of seven pay commission for the period 01.01.2016 to 31.03.2016.*

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10.3 That this Hon'ble Court may kindly be pleased to grant any other relief as it may deems fit and appropriate.

2. Learned counsel for the petitioner submits that the petitioner was appointed on 28.12.1983 in the handicapped category and was specifically exempted from passing the Hindi Typing Examination. The petitioner was thereafter granted increments and promotion by the respondent authorities. However, a note dated 29.01.2019 was subsequently appended to her service book, questioning the increment granted with effect from 01.01.1989, without affording any opportunity of hearing to the petitioner. Learned counsel submits that the petitioner had neither committed any misrepresentation and that the said note, being made in violation of the principles of natural justice, is wholly unsustainable and bad in law.

3. Learned State counsel submits that the note dated 29.01.2019 was made upon verification of the petitioner's service record, as she had not passed the Hindi Typing Examination within the prescribed period, and therefore the action of the respondents is in accordance with law.

4. I have learned counsel for the parties and perused the records.

5. The objection/note dated 29.01.2019 appended to the petitioner's service book, as reflected in Annexure P/1, is hereby set aside, as the same was made without affording the petitioner an opportunity of hearing and is, therefore, in violation of the principles of natural justice. The competent authority shall be at liberty to pass a fresh order after reconsidering the matter and affording due opportunity of hearing to the petitioner, in accordance with law.

6. Accordingly, the present writ petition stands disposed of.

Sd/-
(Sanjay K. Agrawal)
Judge

Jyoti