

**(2018) 07 CHH CK 0271**

**In the Chhattisgarh High Court**

**Case No : Writ Petition (C) No. 1580 Of 2014**

Dashrath Kishpotta And Ors

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

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**Date of Decision : 23-07-2018**

**Acts Referred:**

**Citation : (2018) 07 CHH CK 0271**

**Hon'ble Judges : Sanjay K. Agrawal, J**

**Bench : Single Bench**

**Advocate : A.N. Pandey, Ashish Surana, C. Jayant K. Rao**

**Final Decision : Disposed Of**

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## **Judgement**

Sanjay K. Agrawal, J

1. Heard.

2. Learned counsel for the petitioners submits that the Ombudsman under the MANREGA scheme has passed the order impugned without giving opportunity of hearing and without noticing and as such, the findings recorded by the Ombudsman are in breach of the principles of natural justice, it cannot be sustained in the light of the fact that the order of recovery as well as recommendation for penal action are not in accordance with law.

3. Learned counsel for respondent No.8 and learned State counsel would support the impugned order.

4. It is the categorical case of the petitioners that no show cause notice was issued to them and without giving opportunity of hearing in violation of the principles of natural justice findings have been recorded which has civil consequence, therefore, opportunity of hearing ought to have been granted to the petitioners before recording the findings. Accordingly, the impugned order is set aside and the case is remitted back to the Ombudsman for hearing and disposal in accordance with law after giving opportunity to the petitioners to file

objection.

5. The writ petition stands finally disposed of. No order as to cost(s).