

(2020) 10 UK CK 0039

In the Uttarakhand High Court

Case No : Writ Petition (S/B) No. 159 Of 2018

Dr. Ashutosh Singh And Others

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 20-10-2020

Acts Referred:

Citation : (2020) 10 UK CK 0039

Hon'ble Judges : Ravi Malimath, J; Ravindra Maithani, J

Bench : Division Bench

Advocate : S.S. Yadav, Rajendra Dobhal, J.C. Pandey, Vikas Pandey

Final Decision : Allowed

Judgement

Ravindra Maithani, J

1. The petitioners challenge the orders dated 21.02.2018 (Annexure-1 to the writ petition), by which they were required to deposit the amount, which was allegedly paid in excess to them.
2. At the outset, it was told that a similar controversy has already been decided by this Court on 19.06.2018 in Writ Petition (S/B) Nos. 214 and 215 of 2018. It is also admitted that before issuing the order for recovery, notices were not issued to the petitioners.
3. Having considered the submissions, we are of the considered view that there is an apparent violation of principles of natural justice. The petitioners should have been given an opportunity of hearing before orders for recovery were passed against them.
5. Accordingly, the writ petition is allowed. The orders under challenge are quashed and set aside. However, the respondents shall be at liberty to proceed with the matter in accordance with law after affording an opportunity of hearing to the petitioners.