

Court No. - 8

Case :- WRIT - A No. - 16083 of 2019

Petitioner :- Dr. Shankeela Usmani

Respondent :- State Of U.P. Thru Prin.Secy. Medical Health And Family And Ors.

Counsel for Petitioner :- Madhumita Bose,Shobha Amarnath Tiwari

Counsel for Respondent :- C.S.C.

Hon'ble Dinesh Kumar Singh,J.

1. Heard Ms. Madhumita Bose, learned counsel for the petitioner and Sri Sandeep Chandra, learned standing Counsel.

2. The present writ petition under Article 226 of the Constitution of India has been filed seeking quashing of the order dated 29.6.2018, whereby the petitioner's claim for not receiving Rs.5 Lakhs as GPF advance has been not found to be true on the basis of the inquiry conducted by the Economic Offenses Wing of the Uttar Pradesh Police. The petitioner has also prayed for investigating the matter afresh with regard to the fact that in which account the cheque was credited.

3. The petitioner got retired on 31.5.2011 from the post of Medical Officer in the Medical, Health and Family Welfare Department of the Government of Uttar Pradesh. The case of the petitioner is that just before her retirement, she was shown her GPF passbook and there were certain discrepancies in the said passbook. The petitioner found that a sum of Rs.5 Lakhs was shown to have been deducted from her account as advance loan, which the petitioner believed that it was a mistake. The petitioner sent a representation on 23.11.2011 for correcting the said entry of Rs.5 Lakhs in her GPF passbook. Stand of the petitioner is that she was never received any amount of Rs.5 Lakhs as was mentioned in the passbook.

4. The Chief Medical Superintendent, District Women Hospital, Faizabad (Now Ayodhya) sent a letter to the Superintendent-in-Chief, Virangana Awantibai Women Hospital informing her that Treasury of Ayodhya vide its letter dated 29.11.2014 has issued a certificate to the effect that Voucher No.80090051 for Rs.5 Lakhs, Cheque No.AF0577178 dated 11.12.2001 had been drawn and the said cheque has been encashed on 31.12.2001 in favour of the petitioner. The petitioner, however, said that the said amount was never credited to her account. The petitioner made certain complaints thereafter and, therefore, the matter was handed over to the Economic Offenses Wing to investigate the matter and submit a report.

5. Before handing over the matter to the Economic Offenses Wing, in-house inquiry was also set up, which was conducted on 15.1.2016 and a copy of the said in-house inquiry report was supplied to the petitioner on 28.6.2016. The said inquiry report was also forwarded to the State Government vide letter dated 27.4.2016 with the request for getting the matter investigated by the Economic Offenses Wing.

6. In pursuance to the aforesaid request, the State Government handed over the matter to the Economic Offenses Wing vide order dated 23.2.2017. The inquiry was made by the Superintendent of Police, Economic Offenses Wing, Sector Varanasi. In its report, the Economic Offenses Wing said that in the year 2001, the petitioner has given an application to the Additional Director, Medical Health & Family Welfare, Faizabad Division, Faizabad for Rs.5 Lakhs advance from her G.P.F. No.MEDU-17462 and the aforesaid authority vide order dated 1.12.2001 granted sanction for payment of GPF advance to the petitioner and in pursuance thereof, after completing the entire formalities, the Treasury Office, Faizabad prepared the account payee Cheque No.AF577178 dated 11.12.2001 for Rs.5

Lakhs in favour of the petitioner, and the same was made available to the Women Hospital, Faizabad on 13.12.2001 and the payment of the aforesaid cheque had been done to the petitioner on 31.12.2001. In the report, it was also said that as per the report/letter dated 25.1.2018 issued by the Joint Director, Forensic Science Laboratory, Uttar Pradesh, the petitioner's signatures were also matched with other signatures made on the appears receiving the cheque of Rs.5 Lakhs and her signatures were also found on the receipt.

7. Considering the aforesaid inquiry, this Court cannot order for further inquiry. Further, the issue is of disputed question of fact and this Court cannot substitute its opinion in place of the opinion, which has been recorded by the Economic Offenses Wing after considering the report of the Forensic Science Laboratory about the signatures of the petitioner on the cheque in question.

8. In view of the aforesaid, I do not find any substance and merit in the writ petition, which is hereby ***dismissed***. Interim order, if any, stands vacated.

Order Date :- 6.7.2023

Rao/-