

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition No.4983 of 2006

Smt. Swaroop Bai, Wd/o Late Panchram (P.R.) Dansena, aged about 58 years, R/o Sector 3, Dutta Colony, M.G. Road, Ambikapur, District Surguja, Chhattisgarh

---Petitioner

versus

- 1.** State of Chhattisgarh, through Secretary, School Education Department, Mantralaya, D.K.S. Bhawan, Raipur, Chhattisgarh
- 2.** District Education Officer, Ambikapur, District Surguja, Chhattisgarh
- 3.** Accountant General, Government of Chhattisgarh, Pagaria Complex, Raipur, Chhattisgarh

---- Respondents

For Substituted Petitioner	: Shri Sunil Otwani, Advocate
For State/Respondents No.1&2	: Shri Prafull N. Bharat, Additional Advocate General
For Respondent No.3	: Shri Narendra Kumar Vyas, Advocate

Hon'ble Shri Navin Sinha, Chief Justice

Order on Board

28/3/2016

1. Heard Learned Counsel for the substituted Petitioner, Learned Additional Advocate General for Respondents No.1 and 2 and Learned Counsel for Respondent No.3.

2. The controversy in this case relates to withdrawal of a sum of Rs.5,66,291/- paid in excess under the GPF Account to the original Petitioner. He superannuated in the year 2007. The recovery was ordered by Respondent No.3 on 7.3.2006. It does not appear from the writ petition that this order was challenged at any time. The counter-affidavit referring to the same was filed by Respondents No.1 and 2 on 11.10.2006. The original Petitioner is stated to have been deceased on 17.1.2015 and in his lifetime never filed any rejoinder to the same.

3. Learned Counsel for the substituted Petitioner submits that the confusion has arisen due to discrepancy in accounts between that of the

District Education Officer, Ambikapur and the office of the Accountant General.

4. Learned Counsel for the Respondents have emphasised that the order dated 7.3.2006 was never challenged and that no rejoinder was filed to the counter-affidavit despite reasons for deduction being disclosed.

5. Since the matter has financial implications for the family of the deceased, and also keeping in mind that no rejoinder has been filed, the Court grants liberty to the substituted Petitioner for pursuing the matter before the Respondents concerned if she is of the opinion that there was some discrepancy in the accounts.

6. It is expected that if the Respondents find any discrepancy in the accounts, they shall take necessary corrective action in accordance with law.

7. This observation cannot be construed as any opinion on the merits of the claim by the substituted Petitioner which has to be considered by the Respondents in accordance with law.

8. It is expected that a final appropriate decision by a reasoned and speaking order shall be taken within a maximum period of four months from the date that the substituted Petitioner may represent before the authorities along with details of the discrepancy in accounts as urged.

9. The writ petition is disposed.

Sd/-
(Navin Sinha)
CHIEF JUSTICE