

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) NO. 229 OF 2017

- Bharat Singh Thakur, S/o Late Shri Ganesh Singh Thakur, Aged About 64 Years, Lecturer, Govt. Higher Secondary School, Somni, District-Rajnandgaon, Chhattisgarh

... Petitioner

Versus

1. State Govt. Of Chhattisgarh Through- The Secretary, School Education Department, Ministry, Mahanadi Bhawan, P.S. Rakhi, New Raipur, Chhattisgarh
2. Accountant General, (Lekha And Hakdari), Mahalekhakar Bhawan, P.S. Rakhi, New Raipur, Chhattisgarh
3. Director Of Public Instructions, School Education Department, Indrawati Bhavan, P.S. Rakhi, New Raipur, Chhattisgarh
4. District Education Officer, Rajnandgaon, P.S. Rajnandgaon, Chhattisgarh
5. Principal, Govt. Higher Secondary School, Somni, District-Rajnandgaon, Chhattisgarh

... Respondents

For Petitioner	:	Mr. Ajay Shrivastava, Advocate.
For Respondent-State	:	Mr. Adhiraj Surana, Dy. Govt. Advocate.
For Respondent No.2	:	Mr. R.K. Gupta, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

21/03/2017

1. Grievance of the Petitioner in the present writ petition is the order dated 4.10.2016 (Annexure P-1) whereby the Respondents have issued an order showing that the GPF Account of the Petitioner shows a negative balance of Rs.1,69,614/-.
2. Counsel for the Petitioner at this juncture is unable to inform the Court as to whether the amount under the GPF Account has been released to the Petitioner after retirement, or not. He is also not in a position to inform whether the said amount has been subsequently recovered from the retiral dues of the Petitioner, or not. Neither is he in a position to make a statement as to whether any retiral dues has been released, or not.

3. In view of the aforesaid factual matrix of the case, this Court is not inclined to keep the present writ petition pending any further and the ends of justice would meet if the matter is referred to the High Power Retiral Dues Committee already constituted by the State Government for redressal of the grievance of the employees who have been retired and whose retiral dues have not been settled by the Respondent-State.

4. Let the said Committee give an opportunity of hearing to the Petitioner as well and also give an opportunity to the Petitioner to show that the report of the negative balance shown in the GPF Account of the Petitioner is not proper and that there was no periodical withdrawals made from his GPG Account. The Committee should thereafter pass a suitable order, determining whether the recovery has to be made from the retiral dues of the Petitioner, or not.

5. Considering the fact that the Petitioner has not got an opportunity of hearing till now before issuance of order of recovery or issuance of negative balance in the GPF Account, it is expected that the Respondents shall not make any recovery till the said Committee takes a decision in respect of the same.

6. The office of the Advocate General is directed to send the case to the Committee, within a period of 15 days from the date of receipt of copy of this order. Thereafter, the Committee shall issue notice to the Petitioner and officers concerned within a further period of 15 days. The Committee shall consider and pass orders in accordance with law after affording proper opportunity of hearing to the Petitioner. The Petitioner and the officers concerned may file additional documents, if necessary. The entire exercise, including payment of retiral dues, if any, to the Petitioner, be completed within a period of six months from the date of receipt of copy of this order.

7. The Petitioner shall supply one complete set of the writ petition to the State Counsel as well as the Counsel for the Accountant General for transferring the same to the Committee.

8. With the aforesaid direction, the writ petition stands finally disposed of.

Sd/-
(P. Sam Koshy)
JUDGE

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