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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 4532 of 2012

Vishnu Prasad Shrivastava, S/o. Shri Lakshmi Prasad Shrivastava, Aged about 64 years, Near Radhakishan Temple Mungeli, District Mungeli, Chhattisgarh

---- Petitioner

Versus

1. State of Chhattisgarh, through: Secretary, General Administration Department, D.K.S. Bhawan, Raipur, District Raipur Chhattisgarh
2. Accountant General, Office of Chhattisgarh, Pandri, Raipur, Chhattisgarh
3. Block Education Officer, Mungeli, District Mungeli, Chhattisgarh

----Respondents

For Petitioner	:	Mr. Ajay Shrivastava, Advocate
For State	:	Mr. Adhiraj Surana, Dy. G.A.
For Respondent No.2	:	Mr. Bhupendra Singh, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

09/05/2018

1. The present is a second round of litigation. The petitioner who stood retired from service on 31.03.2006 was not released of his GPF amount.

2. According to the petitioner initially the respondents had shown a positive balance of more than Rs.35,000/-, which at a later stage was also shown at more than Rs.41,000/-. However after one year from his retirement the respondents authorities showed a negative balance of Rs.58,101/-.

3. The petitioner had preferred a writ petition that was WPS No. 2165/2009, which stood disposed of by making a reference to the High Power Retiral Dues Redressal Committee constituted by the State Government. Subsequent to the constitution of the committee, the case of the petitioner was perused and inquired by the committee and the

impugned order (Annexure P/1) dated 08.09.2009 was passed which is under challenge in the present writ petition.

4. The limited grievance, which the petitioner challenges is that though the negative balance has been shown by the department to be that of Rs.58,101/-, but the withdrawals, which the petitioner has been made from the GPF account as is reflected from Annexure P/1 amounts to only Rs.18,220/- thus the figure does not match. He submits that the committee ought to have given specific details as to how they reached to the figure of Rs.58,101/- where the deductions periodically made was only to the extent of Rs.18,220/-.

5. The counsel for the petitioner also submits that the petitioner also was not granted an opportunity to rebut or dispute the withdrawals, which the petitioner is alleged to have made while in service.

6. Perusal of record does not show any justification given by the respondents so far as how they reached to the figure of Rs.58,101/-. However, learned State counsel tried to justify the amount by saying that since the withdrawals have been not reflected in the account of the respondents, the Rs.18,220/- which was withdrawn by the petitioner must have carried interest, which must have brought the amount of Rs.58,101/-, but there is no specific findings in this regard.

7. Given the facts and circumstances of the case, this Court is not inclined to keep the petition pending any further. It is directed that let the High Power Committee re-scrutinize the case of the petitioner once again and intimate the petitioner as to how they have reached to the figure of Rs.58,101/- to be the negative balance in the GPF account of the petitioner.

8. Needless to mention that during the course of re-scrutiny being done by the committee, the petitioner would also be afforded an opportunity of hearing including that of any rebuttal, which the petitioner intends to make so far as the withdrawals made.

9. The writ petition stands disposed off.

10. It is expected that the committee would take an expeditious decision considering the age of the petitioner.

Sd/-
(P. Sam Koshy)
Judge

Ved