NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 5161 of 2011

B.P. Mishra, S/o. Jagnarayan Mishra, Aged about 62 years, Retired Headmaster, Govt. Primary School, Mangaon, Post Gevra Basti, Kusmunda, District Korba, Chhattisgarh

---- Petitioner

Versus

1. State of Chhattisgarh, Through: Secretary, School Education Department, D.K.S. Bhawan, Mantralaya, Raipur, District Raipur, Chhattisgarh
2. Additional Secretary, Department of General Administration (Member Secretary, Pension Nirakaran Samiti), Raipur, Chhattisgarh
3. District Education Officer, Korba, District Korba Chhattisgarh
4. Accountant General, Chhattisgarh, Raipur Chhattisgarh
5. Block Education Officer, Katghora, District Korba Chhattisgarh
6. Headmaster, Government Primary School, Mangaon, Post Gevra Basti, Kusmunda, District Korba Chhattisgarh

----Respondents

For Petitioner	:	Mr. Goutam Khetrapal, Advocate
For State	:	Ms. Astha Shukla, Panel Lawyer
For Respondent No.4	:	Mr. B. Gopa Kumar, Advocate along with Mr. Vaibhav P. Shukla, Advocate

Hon'ble Shri Justice P. Sam Koshy
Order on Board

05/09/2018

1. The grievance of the petitioner is to the order Annexure P/1 whereby the High Power Committee constituted for redressal of the payment of retiral dues has rejected the claim application of the petitioner.

2. The facts of the case is that the petitioner stood retired from the post of Headmaster from the Govt. Primary School, Mangaon, District Korba w.e.f. 31.07.2009. After his retirement on 11.11.2010 vide Annexure P/2, the respondents issued a notice showing a negative balance in the GPF account of the petitioner to the tune of Rs.2,81,605/-. The petitioner immediately filed a writ petition i.e. WPS No. 382/2011, which got

disposed off on 24.01.2011 directing the parties to make a reference to the High Power Committee constituted by the State Government in this regard.

3. Subsequently, the matter stood placed before the committee and the committee vide Annexure P/1 dated 30.07.2011 rejected the claim of the petitioner holding that the finding of deficit balance of Rs.2,81,605/- is found to be correct and justified.

4. The counsel for the petitioner submits that the High Power Committee, which was directed to scrutinize the case of the petitioner has not conducted themselves in a fair manner, in as much as the documents, which were available in the possession of the petitioner, have not been considered or looked into by the said committee and they have unilaterally rather arbitrarily rejected the claim holding that the finding of the department to be proper and justified.

5. The counsel for the petitioner refers to Annexure R/3, which is a document from the office of the Accountant General which has a comparative statement of periodical deposits and the periodical withdrawals made. The calculation as per the records available with the Accountant General office shows that the total deposits made was of an amount of Rs.3,53,322/-, whereas the total withdrawals made during the said period was Rs.4,86,882/-. Thus the actual difference of the deposits and the withdrawals is Rs.1,33,560/-. However as per the respondents the negative balance was shown to be Rs.2,81,605/- in Annexure P/2.

6. The counsel for the respondents further refers to the reply of the respondent No.4 wherein the amount of negative balance reflected in paragraph No.4 is Rs.2,91,094/- which also does not match with any of the documents filed by the respondent No.4. So also the counsel for the

petitioner refer to the document Exhibit P/4 filed with the writ petition, which is the records provided by the office of the Accountant General for the years 2004-05 and 2006-07 whereby the net positive balance available in the GPF account of the petitioner for the two years was shown as Rs.1,17,418/- and Rs.67,024/- respectively for the aforementioned two years.

7. According to the petitioner, it has not been justified by the respondents or by the committee which was supposed to give details in this aspect. In addition the counsel for the petitioner further refers to the rejoinder filed with the writ petition wherein also the statements of the periodical deposits has been reflected, where also the amount of negative balance reflected by the respondents do not match or tally.

8. Given the aforesaid factual matrix, which has not been controverted or disputed by the counsel appearing on behalf of the respondents, the only course left for this Court is for directing the respondents to reconsider the entire GPF account of the petitioner.

9. The writ petition accordingly stands disposed off setting aside the order of the High Powered Committee with a direction to the respondent No.3 as well as the respondent No.4 to physically verify the actual GPF account and the passbook and the entries made in those records, pertaining to the petitioner and while doing so, the respondent No.3 & 4 shall also call upon the petitioner and shall also verify the actual documents, which are in possession of the petitioner, so far as the GPF entries are concerned and after thorough scrutinizing of the entire records, let a fresh order be passed determining as to whether any amount is payable to the petitioner in the GPF account or whether any recovery has to be made by virtue of any excess amount paid.

10. Let this exercise be concluded within a period of four months.

11. The writ petition accordingly stands allowed and disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved