

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No. 1700 of 2018**

Tayyab Ali S/o Abbas Ali, aged about 63 years, R/o Ward No. 5,
Purenhapara, Dhobi Chowk, Sakti, District Janjgir Champa, Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh through the Secretary, Department of School Education Department, Mahanadi Bhawan, Mantralaya, New Raipur, Chhattisgarh
2. The Accountant General Chhattisgarh (A & E), Zero Point, Balodabazar Road, Post Office - Mandar, Raipur, Chhattisgarh
3. The District Education Officer, District Janjgir Champa, Chhattisgarh
4. The Block Education Officer, Sakti, District Janjgir Champa, Chhattisgarh
5. The Senior Accounts Officer, Office of Accountant General (Account & Pension), Chhattisgarh, Zero Point, Balodabazar, Road, Raipur Chhattisgarh

---- Respondents

For Petitioner	:	Shri K. K. Pandey, Advocate
For Respondent/State	:	Shri Sangharsh Pandey, Dy. Govt. Advocate
For Respondents 2 & 5	:	Shri Raj Kumar Gupta, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****28/03/2018**

The challenge in the present writ petition is to the order dated 17.10.2017 Annexure P-1 wherein the office of Respondent no.2 has shown a negative balance in the GPF account of the petitioner to the tune of Rs.1,36,501/-.

2. The solitary contention of the petitioner is that the impugned order has been passed at his back and he has not been given an opportunity of hearing

before passing of the impugned order. According to him, he is not aware of any withdrawal made from his PF account.

3. The fact that the petitioner has not been given an opportunity of hearing is not disputed by the respondents.

4. Given the fact, the impugned order deserves to be set aside only on the ground of being violative of the basic principles of natural justice. Annexure P-1 reflects that the respondents have called upon the petitioner to explain as to why an amount of Rs. 1,36,501/- shown as deficit balance be not recovered from the petitioner.

5. In view of the fact that there is a deficit balance detected by the respondents and before detecting the negative balance, the petitioner was not taken into confidence, it is directed that the petitioner shall approach respondent No.2 as well as respondent no.3 by giving all particulars in respect of GPF amount that is available with him so also respondent no.3 shall make available the entire service book and GPF pass book that of the petitioner maintained in the department to respondent no.2 so that the same can be tallied and a final order can be passed after giving an opportunity of hearing to the petitioner.

6. Let this exercise be done and completed within a period of six months from today. It is expected that the petitioner shall render full cooperation with the respondents. Meanwhile, the respondents shall not initiate any coercive step against the petitioner.

**Sd/-
(P. Sam Koshy)
JUDGE**