

NAFR

**HIGH COURT of CHHATTISGARH, BILASPUR****Writ Petition (S) No.2446 of 2018**

Smt. Sarojni Tirki W/o W/o Late Shri Pitrush Tirki Aged About 52 Years R/o Village Dabhra, Police Station And Tahsil Dabhra, District Janjgir Champa, Chhattisgarh.

**----Petitioner****Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Education, Mahanadi Bhawan, New Mantralaya Raipur, Chhattisgarh.
2. District Education Officer, Sakti District Janjgir Champa, Chhattisgarh.
3. Principal Government Higher Secondary School Chapora, District Janjgir Champa, Chhattisgarh.
4. District Treasury Officer, Janjgir Champa, District Janjgir Champa, Chhattisgarh.
5. Divisional Joint Director, Account, Treasury And Pension, Bilaspur, Division Bilaspur, Chhattisgarh.
6. Accountant General, Account And Pension Chhattisgarh New Raipur, District Raipur, Chhattisgarh.
7. Senior Account Officer, P.F.N. 40, Office Of The Accountant General (Account/pension/fund) Near Zeor Point, Near Vidhan Sabha, Raipur, District Raipur, Chhattisgarh.

**---- Respondents**

|                      |   |                                    |
|----------------------|---|------------------------------------|
| For petitioner       | : | Shri Deepak Kumar Singh, Advocate. |
| For respondent-State | : | Shri Sangharsh Pandey, Dy. G.A.    |
| For respondents 6&7  | : | Shri R.K. Gupta, Advocate.         |

**Hon'ble Shri Justice P. Sam Koshy****Order On Board****21.03.2018.**

1. Challenge in the present writ petition is to the order dated 25.10.2017 (Annexure P/1) whereby the office of Respondent No.6 showing that there is minus balance in the GPF account of the petitioner to the tune of Rs.1,78,572/- a notice has been issued seeking petitioner to deposit the said amount with the respondents.
2. Brief facts of the case is that the Husband of the petitioner Pitrush Tirki working as Lecturer under the District Education Officer, Janjgir

Champa, died in harness on 18.03.2012 and since then the legal heir of the deceased employee was not given GPF amount. Abruptly vide the impugned order a negative balance has been shown and notice of recovery has been issued.

3. The petitioner makes a limited prayer that at least an information should have been given to her as to on what basis negative balance have been arrived at by the department. According to him, no show cause notice, no explanation and nor even a preliminary enquiry have been conducted by the department before issuance of the impugned recovery notice.
4. The issuance of recovery notice after a period of more than five years of death of the employee shows the sorry State of affairs both in the office of District Education Officer so also in the office of the respondent No.6 which has now showing a negative balance recovery notice has been issued when the legal heirs of the deceased employee were awaiting receipt of death-cum-retiral dues for last five years. The petitioner being wife would not be in a position to defend the recovery notice for want of sufficient knowledge.
5. Given the factual matrix of the case, this court is of the opinion that no fruitful purpose would be served in keeping this petition pending at this stage. Accordingly the respondent No.2-District Education Officer, Janjgir Champa shall personally ensure verification of the service records of the deceased employee calculating the entries which have been made in the GPF pass book and after scrutiny shall pass an order within a period of 90 days specifying how deficit

balance has been arrived at by the department. In case, after scrutiny if it is found that certain amount was due to the deceased employee, the same shall be paid to the petitioner forthwith along with interest @ 10 percent.

6. With the aforesaid, the writ petition stands disposed of.

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

inder