NAFR

HIGH COURT of CHHATTISGARH, BILASPUR

Writ Petition (S) No.2452 of 2018

Shanti Kumar Mishra S/o S/o Late Thakur Prasad Mishra Aged About 64 Years Retired Head Master, Primary School R/o Bhatipara, Post And Tahsil Bastar District Bastar At Jagdalpur, Chhattisgarh.

----Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Tribal Welfare Department, Mahanadi Bhawan, New Raipur, Chhattisgarh.
2. Block Education Officer Baster, District Baster, Chhattisgarh.

---- Respondents

For petitioner	:	Shri Somkant Verma, Advocate.
For respondent-State	:	Shri Shashank Thakur, Govt.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 31.07.2017 (Annexure P/1) whereby the petitioner has been served with a notice seeking recovery of Rs.5,20,285/-. The said amount is shown to be a negative balance in the GPF account of the petitioner.
2. The sole contention of the petitioner is that, the petitioner, who retired from the office of State Govt. as a Headmaster w.e.f. 31.01.2016 was not paid any amount of GPF till date and abruptly vide the impugned order a negative balance has been shown and notice of recovery amounting to Rs.5,20,285/- has been issued. He further submits that no show cause notice, no explanation and even a preliminary enquiry have not been conducted by the department before issuance of the impugned recovery notice.
3. The petitioner makes a limited prayer that at least an information

should have been given to him as to on what basis negative balance have been arrived at by the department.

4. The State counsel opposing the petition submits that the impugned notice has been issued at the behest of the office of the Accountant General and the said department has not been made a party to the petition.
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. The impugned order itself would show that no enquiry or show cause notice was issued to the petitioner prior to issuance of recovery notice that too to the tune of more than five Lakh rupees. Thus, the impugned recovery notice (Annexure P/1) so far as petitioner is concerned, the same is not sustainable and is accordingly set aside.
6. However, the respondents are at liberty to conduct an inquiry in consultation with the office of the Accountant General where also a parallel GPF account of the petitioner is maintained. In addition, the petitioner shall also be taken into confidence while inquiry is so made, and thereafter pass a suitable order in accordance with the outcome of the inquiry.
7. Accordingly, the petition is allowed and disposed of.

Sd/-
(P.Sam Koshy)
Judge

inder