NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 2823 of 2018

Beenu Nath, S/o Ram Nath, aged about 66 years, R/o Mother Teresa Ward, Near Mission School, Jagdalpur, District Bastar, Chhattisgarh.

---- Petitioner

Versus

1. State of Chhattisgarh, through the Seretary, Health Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh.
2. Director, Health Services, Indrawati Bhawan, Naya Raipur, District Raipur, Chhattisgarh.
3. Chief Medical & Health Officer, Jagdalpur, District Bastar, Chhattisgarh.
4. District Treasury Officer, Jagdalpur, District Bastar, Chhattisgarh.

---Respondents

For petitioner	:	Shri C.J.K. Rao, Advocate.
For Respondent/State	:	Shri Sangharsh Pandey, Dy. Govt. Advocate

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

05/04/2018

1. The challenge in the present writ petition is to the order dated 19.05.2017 (Annexure P-1) whereby the petitioner has been served with a notice seeking recovery of Rs. 2,98,877/-. 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 Government as a Supervisor w.e.f 31.08.2012 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 2,98,877/- has been issued. He further submits that no show cause notice, no explanation and even a preliminary enquiry has 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 has 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 was conducted nor a show cause notice was issued to the petitioner prior to issuance of recovery notice that too to the tune of about Three 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 an enquiry is so made, and thereafter pass a suitable order in accordance with the outcome in the inquiry.

7. Accordingly, the petition is allowed and disposed of.

Sd/-

(P. Sam Koshy)
JUDGE

Pawan