

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 4991 of 2018**

Manbahoran Ram S/o Shri Shrivdhan Ram, Aged About 75 Years,
Occupation Retd. Forester, R/o Village Salgawankalal, Post and
Tahsil Sonhat, District Koriya Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh through Secretary, Department of Forest,
Mahanadi Bhawan, Mantralaya, Naya Raipur, Chhattisgarh
2. The Chief Conservator of Forest, Circle Ambikapur, Surguja,
Chhattisgarh
3. The Divisional Forest Officer, Forest Division Manendragarh, District
Koriya, Chhattisgarh
4. Director, Treasury, Accounts and Pension, Raipur, Chhattisgarh
5. District Treasury Officer, Koriya, Chhattisgarh
6. The Accountant General, Balodabazar Road, Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Ashok Kumar Shukla, Advocate
For Respondent/State	:	Shri S. P. Kale, Dy. A.G.
For respondent no.6	:	Shri Raj Kumar Gupta, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****06.08.2018**

The challenge in the present writ petition is to the order Annexure P-1 dated 06.07.2017 whereby respondent no.3 has issued an order of recovery against the petitioner to the tune of Rs.20,174/-.

2. Contention of the counsel for the petitioner is that the petitioner retired from service on 31.03.2006 and in between the respondents have

issued an order whereby they have given no dues certificate in favour of the petitioner. Now after more than 12 years, they have issued the order of recovery which is per se impermissible under law and is also bad in law deserving to be set aside/quashed. Contention of the petitioner is that the impugned order has been passed without giving opportunity of hearing to the petitioner neither could the respondents initiate such recovery against a retired employee, much less after 12 years from the date of retirement.

3. State counsel opposing the petition submits that it is a case where during the course of scrutiny of GPF account of the petitioner it was found that there were certain excess withdrawal from the account and which was not properly entered in the documents available with the respondents and which could now be ascertained. He submits that in the process, it has been found that there was an excess payment of Rs.20,174/- made to the petitioner which is liable to be recovered.

4. Having heard the contentions put forth on either side, since the dispute only confines to the GPF account, this Court is of the opinion that ends of justice would meet if the matter is disposed of at the admission stage itself with a direction to the respondents to ensure that an opportunity of hearing is given to the petitioner and he is called upon to produce the GPF passbook available with him and which shall be scrutinized by the respondent State Govt. The GPF passbook of the petitioner would also be counter verified from the entries of the GPF account which are maintained in the office of respondent no.6, the Accountant General. After thorough scrutiny of the entries made in the respective registers and after giving an opportunity of hearing, a fresh order be passed by the respondents accordingly. In the process, if certain less payment has been made to the

petitioner, the same shall be paid to the petitioner forthwith with interest applicable from the date of retirement till the date of actual payment. At the same time, if certain excess payment has been received by the petitioner, the petitioner shall also make good the said deficit if any to the respondents. The said excess payment to be paid by the petitioner to the respondents will however not carry any interest.

5. In view of the aforesaid observation, the impugned order of recovery Annexure P-1 dated 06.07.2017, for the reasons that it has been passed without granting any opportunity of hearing, deserves to be and is accordingly quashed. Considering the fact that the petitioner is a senior citizen having retired about 12 years ago it is expected that the respondents shall conclude the entire proceedings within a period of 90 days from the date of receipt of the order passed by this Court.

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