

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
WA No. 701 of 2018

Balram Rathore S/o Late Aghori Ram Rathore Aged About 74 Years Occupation Retired Head Master, Meddle School Under Higher Secondary School Nandore, Kala, R/o Post Nandore Kala, Police Station Sakti District Janjgir Champa Chhattisgarh.

---- Appellant

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of School Education, New Mantralaya, Police Station Mantralaya, Mahanadi Bhawan Naya Raipur, District Raipur Chhattisgarh.
2. Principal, Government Higher Secondary School Mandore Kala, Post Mandore, Police Station Sakti District Janjgir Champa Chhattisgarh.
3. Accountant General Pension Bada, Police Station Civil Lines Raipur District Raipur Chhattisgarh.
4. State Of Chhattisgarh, Through The President Pension Nirakaran Samiti, General Administrative Department, Mantralaya, Mahanadi Bhawan Naya Raipur District Raipur Chhattisgarh.

---- Respondents

For Appellant	: Shri Suresh Kumar Verma, Advocate.
For Respondent/State	: Shri Y.S. Thakur, Additional Advocate General.
For Respondent No.3	: Shri Raj Kumar Gupta, Standing Counsel.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice
Hon'ble Shri Parth Prateem Sahu, Judge

Judgment on Board

14/09/2018

Per Ajay Kumar Tripathi, Chief Justice

1. Heard counsel for the parties.
2. In terms of the previous direction of the High Court, the High Power Committee examined the claim of the Appellant and found that at the time of final settlement of his GPF account therein, outstanding dues of Rs.44,051/- in terms of the interest component is due against him since he had overdrawn from his GPF account while in service. The committee has already passed a detailed speaking

order on 24.01.2014 which is Annexure P/2 to the writ application and became subject matter of challenge.

3. The learned Single Judge dismissed the writ application basically on the ground of laches and delay because the Appellant sat over the decision of the High Power Committee for 4 ½ years before re-agitating the issue by assailing the said order.
4. From perusal of Annexure P/2 to the writ application, which is the decision dated 24.01.2014, it seems that the High Power Committee which included member from Accountant General, all the detailed accounts of the Appellant were examined and then, the final decision was taken. Taking a lenient view that since the Appellant is a retired employee, he may not be asked to pay interest after the date of his superannuation. He was directed to pay back the outstanding amount in one go within the time fixed therein or else deductions at the rate of Rs.4,000/- per month was required to be made.
5. Nothing in terms of authentic evidence has come before us to hold that the outstanding amount shown against the Appellant becomes a question of debate.
6. Be that as it may, even if the Court ignores the ground on which the learned Single Judge dismissed the writ application, we do not find any legal ground on which the decision of the High Power Committee is required to be set aside or interfered.
7. Public money cannot be allowed to be retained by any person, much less a government servant, unless he is legally entitled to do so. If he had overdrawn from his GPF account, he has an obligation to pay back the demand so made or reconcile the outstanding shown against him by legitimate accounting. No interference is warranted.
8. However, before parting, even at this stage if the Appellant can produce some

authentic evidence which shows that there is some discrepancy in the account so maintained and brings it to the notice of the authority of the Accountant General for reconciliation, it will still required to be done.

9. The appeal stands disposed off in the aforesaid terms.

Sd/-

(Ajay Kumar Tripathi)
CHIEF JUSTICE

Sd/-

(Parth Prateem Sahu)
JUDGE

Anu