

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 5962 of 2018

Girwar Lal Jangde S/o Shri Jeewan Lal Jangde, Aged About 62 Years,
Upper Division Teacher, Govt. Middle School, Prasada, Block Pali,
District Korba, Chhattisgarh.

---Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, School Education Department , Mahanadi Bhavan, Mantralaya, New Raipur, District Raipur, Chhattisgarh.
2. Direct Public Instruction, Raipur, District Raipur, Chhattisgarh.
3. Accountant General Of Chhattisgarh, Vidhan Sabha Road, Raipur, District Raipur, Chhattisgarh.
4. District Education Officer, Korba, District Korba, Chhattisgarh.
5. Assistant Commissioner, Tribal Department, Korba, District Korba, Chhattisgarh.
6. Joint Director, Treasury, Account And Pension, Bilaspur, Division Bilaspur, District Bilaspur, Chhattisgarh.
7. Block Education Officer, Pali, District Korba, Chhattisgarh.

---Respondents

For petitioner	:	Shri K.S.Pawar and Shri Shashi Kushwaha, Advocates.
For Union of India	:	Shri Ashwani Shukla, Advocate.
For State	:	Shri S.P.Kale, Dy.A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

12/09/2018

1. The challenge in the present Writ Petition is to the order Annexure-P2 dated 19/07/2018 whereby the respondents have shown negative balance in the G.P.F. account of the petitioner to the tune of Rs.11,96,674/-.
2. In the instant Writ Petition, the petitioner working under the respondents retired on 31/05/2018 on the post of Upper Division Teacher.

3. After his retirement, except for the G.P.F. amount, all other dues have been released.
4. However, meanwhile, the impugned order has been passed showing the negative balance in the G.P.F. account to the tune of Rs.11,96,674/-.
5. According to the petitioner, the said impugned notice has been issued without giving any opportunity of explanation to the petitioner, neither was he issued with any show cause notice to show whether any withdrawal had been made by him from his G.P.F. account while he was in service and therefore the said impugned notice as such may not be sustainable.
6. The counsel for the respondent however opposing the petition submits that, the record show that, there was certain withdrawals which were made from his G.P.F. account and which were not properly entered in his passbook and therefore when the scrutiny was done after his retirement, it was found that there was a negative balance of the aforementioned amount.
7. Given the aforesaid factual matrix of the case and also considering the contentions raised in the present Writ Petition, this Court is of the opinion that no fruitful purpose would be served in admitting the petition and keeping it pending, rather ends of justice would meet if the Writ Petition is disposed off setting aside Ex-P/2 on the ground of the same having been issued without granting an opportunity of hearing.
8. Let the respondents particularly the respondent No.4 – the District Education Officer under whom the petitioner was last working have a sitting with the respondent No.3 i.e. the office of Accountant General and they shall

verify the G.P.F. account of the petitioner and they shall also call upon the petitioner by giving him sufficient time to appear before them personally and explain so far as his G.P.F. account is concerned and after due verification of the G.P.F. account which the petitioner has and thereafter pass an appropriate order.

9. With the aforesaid direction, the Writ Petition stands allowed at motion stage itself.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit