

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 7283 of 2018

Sayeed Ahmed Khan S/o Shri Wazir Khan Aged About 58 Years
Retired Accountant R/o Champa, Tahsil And P. S. Champa, District
Janjgir Champa, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of School Education Mantralaya, Mahanadi Bhawan, New Raipur, Chhattisgarh.
2. Accountant General Treasury Account And Pension Raipur, Division Raipur, District Raipur, Chhattisgarh.
3. District Education Officer Janjgir Champa, District Janjgir Champa, Chhattisgarh.
4. Principal Government Higher Secondary School Kothari District Korba, Chhattisgarh.

---- Respondents

For petitioner-Shri Hemant Kumar Patel, Advocate.
For respondent No.2-Shri Bhupendra Singh, Advocate.
For State/respondents No.1, 3 & 4-Shri S.P. Kale, Dy.A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order

02/11/2018

Heard.

1. By way of instant petition the petitioner challenges the recovery order dated 27/02/2018 and 14/06/2018 (Annexure P-1) passed by the respondent whereby they have shown negative balance in the GPF account of the petitioner to the extent of Rs.2,44,239/- and Rs.96,669/-. The petitioner has retired and he was working as Accountant in the school under the respondent No.4.
2. It is stated that after he obtained voluntary retirement and thereafter entire dues were released. It is stated that two recovery order has been issued without giving any opportunity of explanation to the petitioner and neither show cause notice was issued nor the earlier GPF account of the petitioner was considered while he was in service, therefore the recovery

orders are not sustainable.

3. The said contentions are opposed by the counsel for the respondent.

4. In the facts of this case, taking into fact that similar issue has been dealt with by the coordinate bench of this court in WPS No.5962 of 2018 on 12/09/2018, it is directed that the respondent No.3 District Education Officer may conduct meeting with the respondent No.2 Accountant General and would verify the GPF account of the petitioner. It is further ordered that they shall also call upon the petitioner by giving him sufficient time to appear before them personally and explain so far his GPF account is concerned and thereafter after evaluating all the facts may pass appropriate order. Consequently, the recovery order dated 27/02/2018 and 14/06/2018 (Annexure P-1) are quashed.

5. With the aforesaid direction, the petition stands allowed at the motion stage.

Sd/-

(Goutam Bhaduri)

JUDGE