NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7697 of 2018

Mangal Das Tandey S/o Shri Matangu Ram Tandey Aged About 65 Years Retd. Headmaster, R/o- Village And Post Podi (Dalha), Via Akaltara, District- Janjgir-Champa, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through- The Secretary, School Education Department, Mahanadi Bhavan, Mantralaya, New Raipur, District- Raipur, Chhattisgarh.
2. Accountant General, Chhattisgarh Zero Point, Baloda Bazar Road, Raipur, District- Raipur, Chhattisgarh.
3. District Education Officer Janjgir, District- Janjgir-Champa, Chhattisgarh.
4. Joint Director Treasury, Account And Pension, Bilaspur, Division Bilaspur, Chhattisgarh.
5. Block Education Officer Akaltara, District- Janjgir-Champa, Chhattisgarh.

---Respondents

For Petitioner	:	Mr. Shashi Kumar Kushwaha, Advocate
For State	:	Mr. S.P. Kale, Dy. A.G.
For Respondent No.2	:	Mr. Rajkumar Gupta, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

27/11/2018

1. The challenge in the present Writ Petition is to the order Annexure-P2 dated 31.05.2018 whereby the respondents have shown negative balance in the G.P.F. account of the petitioner to the tune of Rs.1,10,627/-.
2. In the instant Writ Petition, the petitioner working under the respondents retired on 31.10.2014 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.1,10,627/-.
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.3 – the District Education Officer under whom the petitioner was last working have a sitting with the respondent No.2 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

Ved