

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 7869 of 2018**

Ramswaroop Sharma S/o Shri Late Ishwar Prasad Sharma Aged About 63 Years Retired Inspector (S.B.), Of Police, Kachehri Chowk, Behind Of Sabji Mandi, Ward No. 22, Gauraha Nivas Janjgir, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through Its Secretary, Department Of Home And Police Affairs, Secretariat, Mahanadi Bhawan, New Raipur, P.S. And Post Rakhi, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. Director General Of Police Police Head Quarter New Raipur, P.S. Rakhi, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
3. Accountant General Office Of Accountant General (Lekha And Hak) Zero Point, Baloda Bazar Road Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- **Respondents**

For petitioner	:	Shri Badruddin Khan, Advocate.
For State	:	Shri S. P. Kale, Dy. AG
For UOI	:	Shri Bhupendra Singh, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

01/12/2018

1. Challenge in the present writ petition is to the order dated 05.09.2018 (Annexure P/1) whereby the petitioner has been served with a notice seeking recovery of Rs.18,000,61/-. The said amount is shown to be a negative balance in the GPF account of the petitioner.
2. Learned counsel for the petitioner submits that the said notice issued by the department is illegal for the reason that the said amount is inclusive of this amount which the petitioner had already infact withdrawn from his G.P.F. account from time to time and the department is now seeking withdrawal of the said amount with interest, which is otherwise bad in law. He further submits that the petitioner has already retired wayback on 30.04.2018. He further submits that from

the documents which is available with the petitioner, it clearly reflects that there is no such negative balance advertised by the department.

3. Given the nature of the dispute between the parties, this Court is of the opinion that ends of justice would serve if writ petition is disposed off with a direction to the respondent No. 3 to reverify the G.P.F. account of the petitioner and tally the same with the records available with the respondent No. 2. The respondent No. 2 shall also provide all necessary assistance to the respondent No. 3 for making the assessment by making available G.P.F., account of the petitioner for verification. While the respondent No. 3 verifies the G.P.F., the petitioner, be also called upon and the petitioner shall also provide all necessary relevant documents that are available with him to justify his claim so far as negative balance is concerned.

4. Given the facts and circumstances in the light of the aforesaid observations, the present writ petition stands disposed off. Respondent No. 3 is directed to scrutinize the record and pass a fresh order within a period of 90 days and till the scrutinisation is not complete and a fresh order is not passed, the authority shall not press upon the notice dated 05.09.2018 (Annexure P-1).

5. Accordingly, the petition is allowed and disposed of.

Sd/-

(P. Sam Koshy)
JUDGE

Rohit