

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.555 OF 2019**

Domar Singh Verma S/o Late Shiv Dayal Verma Aged About 81 Years R/o Kurud (Silyari) Post Silyari (Kurud), Tahsil Raipur District Raipur Chhattisgarh.

...Petitioner(s)

Versus

1. The State Of Chhattisgarh Through The Secretary, Department Of School Education New Mantralaya, Mahanadi Bhawan, New Raipur, Chhattisgarh.
2. The Director Public Instruction, Raipur Chhattisgarh.
3. The Accountant General State Of Chhattisgarh, Raipur Chhattisgarh.
4. The District Education Officer Raipur Chhattisgarh.
5. The Principal Government High Secondary School, Silyari, Raipur Chhattisgarh.

... Respondent(s)

For Petitioner	:	Ms. Sarina Khan, Advocate.
For State	:	Shri Jitendra Pali, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

28.01.2019

1. The challenge in the present writ petition is to the order Annexure P/1, dated 31.05.2018 whereby the respondents have ordered for recovery of amount of Rs. 33,387/- from the petitioner. The said recovery has been ordered on account of negative balance of an amount of Rs.20,546/- detected in the GPF account of the petitioner.
2. So far as the facts of the case is concerned, the petitioner as on date is aged more than 81 years. He stood retired from service under the erstwhile State of Madhya Pradesh somewhere in the year, 1998. Subsequent to his retirement, the petitioner had been paid the entire dues payable to him except for his GPF amount under the service rules which the petitioner has already received and have also used the same. So far as the GPF account is

concerned, the petitioner had made a correspondence with the department and the department now had intimated the petitioner in respect of there being a deficit balance of Rs.33,387/- in the GPF account. This is what is under challenge in the present writ petition.

3. The petitioner submits that before passing of the said order no enquiry whatsoever in the presence of the petitioner has been conducted. It was also the contention that there was no intimation received/served in respect of any recovery to be made from the petitioner's GPF account. It was the further contention of the petitioner that so far as the GPF account is concerned, the same also does not seem to have been properly scrutinized by the department in conformity with the office of the Accountant General.
4. Given the said facts, let the respondents No.3,4 and 5 scrutinize the GPF account of the petitioner afresh and while scrutinizing the same the respondents No.3 to 5 shall also call upon the petitioner and give him personal hearing. The petitioner would also be at liberty to produce all relevant records in his possession before the authorities concerned while scrutinizing the GPF account of the petitioner and after scrutinizing the same let a fresh order be passed by the Authorities concerned and only thereafter, the respondents shall take any further steps for recovery, if required. Till then the impugned order dated 31.05.2018 (Annexure P-1) as it stands today shall not be given effect to by the respondents.

5. The writ petition accordingly stands disposed of.

Sd/-

(P. Sam Koshy)
Judge