NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 630 of 2019

Smt. Sangeeta Chouhan Wd/o Late Shri Haresh Chouhan Aged About 53 Years R/o Tiranga Chowk, Madan Mohan Malviya Ward, Naya Munda Para, Jagdalpur, District Bastar, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Education Department Mantralaya, Naya Raipur, District Raipur, Chhattisgarh.
2. The Block Education Officer Jagdalpur, District Bastar Chhattisgarh.
3. The Chief Accounts Officer Office Of Accountant General Chhattisgarh, Raipur, Chhattisgarh.

---Respondents

For Petitioner	:	Mr. Prafull N. Bharat, Advocate
For State	:	Mr. A.N. Bhakta.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

31/01/2019

1. The issue involved in the case is that the petitioner who is the sister of the deceased employee namely Late Shri Kamal Shah, has been issued with a notice by the department Annexure P-3 dated 30.08.2018, whereby the department of the respondent no.3 has shown a negative balance of Rs.4,24,858/- in the GPF account of the deceased employee namely Late Shri Kamal Shah and the petitioner have been called upon to deposit the said amount. The petitioner has approached this Court challenging the said notice on the ground that first of all the recovery could not have been made from the petitioner who is only a nominee of legal heir of the deceased employee. It is the further contention of the petitioner that such recovery becomes impermissible after the subscriber of the GPF account expires. Moreover the contention of the petitioner is that from the GPF passbook

available with the petitioner in respect of the deceased employee and the GPF passbook which is maintained in the office of the employer i.e. respondent no.2 the passbook does not reflect any deficit balance rather there is an amount of approximately more than Rs. 1,30,000/- in the GPF account of the deceased employee. It was the further contention of Shri. Bharat that the petitioner is also entitled for the death-cum-retiral dues on the death of the deceased employee like gratuity, leave encasement and other admissible dues which also till the date has not been finalized by the respondents.

2. Given the said facts this Court is of the opinion that since the petitioner has also disputed Annexure P-3 on the ground that in the passbook available with the petitioner as also with the employer does not reflect any deficit balance, ends of justice would meet if the respondent nos. 2 and 3 are directed to re-scrutinized the GPF account of the petitioner. It is further ordered that while re-scrutinizing the respondent nos. 2 and 3 shall also call upon the petitioner and it be scrutinized either in her presence or in the presence of a person nominated by the petitioner. After due verification of the GPF account including the entries are available in the office of the employer i.e. respondent no. 2 and that in the office of the Accountant General i.e. respondent no. 3 a fresh order altogether be passed. Till a fresh is passed respondents are restrained from giving effect to the impugned order Annexure P-3.

3. With the aforesaid direction writ petition stands disposed off.

Sd/
(P. Sam Koshy)
Judge

vivek