NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 1453 of 2019

Narayan Kumar Sen S/o Late Shri Babulal Sen Aged About 63 Years R/o Near Bramhan Para, Babu Chhotelal Shrivastava Chowk, Dhamtari, District- Dhamtari, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, School Education Department, Mantralaya, Atal Nagar, New Raipur, Chhattisgarh.
2. The Accountant General Chhattisgarh Raipur, Chhattisgarh
3. The Director Directorate Of Public Instruction Chhattisgarh, Raipur, Chhattisgarh.
4. The District Education Officer Dhamtari, District- Dhamtari, Chhattisgarh.
5. The Senior Accounts Officer Office Of Accountant General, Chhattisgarh, Raipur, Chhattisgarh.

---Respondents

For Petitioner	:	Mr. Nitansh Kumar Jaiswal, Advocate
For State	:	Mr. P. Acharya, Panel Lawyer
For respective Respondents	:	Mr. Rajkumar Gupta, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

08/03/2019

1. The dispute in the present writ petition is that the petitioner inspite of having retired on 30.06.2018 has not received his retiral dues till date. The challenge also is to the order of recovery made from the petitioner to the tune of Rs.4,86,177/- showing it to be negative balance in the GPF account.

2. According to the petitioner, under compulsion so as to enable the State Government release his retiral dues, the petitioner has already deposited the said amount of Rs.4,86,177/- under protest.

3. The contention of the petitioner is that the order on the part of the respondents showing an amount of Rs.4,86,177/- as negative balance in his GPF account is erroneous and bad in law. According to the petitioner, he has never withdrawn such a huge amount from his GPF account and there seems to be some error in the course of calculating the GPF account of the petitioner.

4. Given the said facts that the petitioner has already deposited the said amount, this Court is of the opinion that, so far as the dispute in respect of the GPF account is concerned, let the respondent No.2 call upon the petitioner along with all relevant records, which the petitioner has, so far as his GPF account is concerned, and the respondent No.2 shall also call upon the relevant records from the office of respondent No.4, so far as the GPF passbook, which is maintained by the employer.

5. The respondents No.2 & 4 shall thereafter tally the GPF passbook of the petitioner and the respective entries available in the two departments and the petitioners also be called upon to have a joint hearing for redressal of the grievance of the petitioner and thereafter reach to the conclusion, as to whether in fact there was a negative balance of Rs.4,86,177/- or not.

6. In case, if the petitioner is able to show that there has been no such withdrawals made or the department is able to conveniently reach to the conclusion that there has been periodical withdrawal made from the petitioner's GPF account an appropriate order accordingly be

passed, thereafter within a period of 4 months from the date of receipt of the copy of this order.

7. So far as the other retiral dues are concerned, this Court is of the opinion that, since the petitioner has already deposited the negative balance, as shown in the GPF account, unless the petitioner is otherwise not entitled for the retiral dues, the retiral dues payable to the petitioner on his retirement should be forthwith released within the aforesaid period.

8. It is made clear that in case if the undisputed retiral dues are not released to the petitioner within the said period, the amount shall also carry interest @ 10% per annum from the date of retirement till the date of actual payment.

9. With the aforesaid observations, the present writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved