

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.2033 OF 2019**

Sukhiram Sahu S/o Late Shri Daduram Sahu Aged About 65 Years
R/o Village Charkhapara, Post Bakaruma, Tahsil Dharmajaigarh,
District Raigarh Chhattisgarh.

...Petitioner(s)

Versus

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development Department, Mantralaya, Mahanandi Bhawan, New Raipur District Raipur Chhattisgarh.
2. The Accountant General Chhattisgarh Raipur Chhattisgarh.
3. Chief Executive Officer Janpad Panchayat Patthalgaon, District Jashpur Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri KP Sahu, Advocate.
For Respondent-State	:	Shri Ishan Verma, Panel Lawyer.
For Respondent No.2	:	Shri RK Gupta, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

20.03.2019

1. The dispute revolves in the present writ petition is the non releasing of the GPF amount payable to the petitioner on his retirement.
2. The counsel for the respondent No.2 submits that it is a case where there was a negative balance detected in the GPF account of the petitioner on account of which an order of recovery was initially passed. The petitioner thereafter filed a writ petition being WPS No.2922 of 2017 which was disposed of along with a bunch of writ petitions on 18.05.2018 holding that in the light of the judgment of Supreme Court in case of State of Punjab Vs. Rafiq Masih, 2015 (4)SCC 334, recovery if any was impermissible under the law and the recovery order was set aside/quashed.

3. The petitioner has now filed the present writ petition alleging that he has not been granted GPF amount on his retirement which he is otherwise entitled for.
4. The counsel for the respondent No.2 submits that there was a negative balance shown in the petitioner's GPF account and therefore he would not be entitled for any payment so far as his GPF amount is concerned.
5. The counsel for the petitioner at this juncture submits that the findings of negative balance is without taking him into confidence. The petitioner has not made any withdrawal from his GPF account while he was in service and that the negative balance shown in his GPF account is contrary to the records that is available with the petitioner.
6. Given the aforesaid facts as stated by the petitioner, this court is of the opinion that the dispute raised by the petitioner can be redressed in a better manner if the respondent No.2 is directed to reassess the GPF account of the petitioner by calling upon the records from the employer i.e. respondent No.3 and also the records which are available with the petitioner, if any, in respect of his GPF account. That, after reassessing the entire records, let the respondent No.2 pass a fresh order. While doing so, the petitioner is expected of being given a personal hearing and enable him to produce all relevant records that are available with him before the respondent No.2 so far as his GPF account and the entries made in the GPF passbook is concerned.

7. Let a decision be taken by the respondent No.2 within a period of four months and the decision be intimated to the petitioner whether there is still a negative balance shown in the GPF account. In case if there is credit balance reflected, the amount should be released to the petitioner without any further delay.
8. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge