

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 312 of 2017

1. The Governing Body Through The Secretary, Office Of The Principal D.P. Vipra College, Old High Court Road, Bilaspur, District Bilaspur (CG).
2. The Principal, D.P. Vipra College, Old High Court Road, Bilaspur, Civil And Revenue District Bilaspur (CG)

---- Appellants (Res. No.3 & 4)

Versus

1. Dr. R.G. Yadav, S/o Shri L.R. Yadav, aged about 64 years, Retd. Librarian, D.P. Vipra College, Bilaspur, District Bilaspur (CG) Petitioner
2. State Of Chhattisgarh, Through Secretary, Department Of Higher Education, Mantralaya, Mahanadi Bhawan, Naya Raipur, Police Station Rakhi, Raipur, District Raipur (CG) Resp. No.1.
3. The Commissioner, Department Of Higher Education, Block C, 3rd Floor, Indravati Bhawan Naya Raipur, Raipur (CG) Resp. No.2

---- Respondents

For Appellant	:	Shri B.P. Sharma, Advocate
For Respondent No.1	:	Shri A.D. Shrivastava, Advocate.
For Respondent No.2 & 3	:	Shri R.S. Baghel, Dy. Adv. General.

Hon'ble Shri Ajay Kumar Tripathi, CJ
Hon'ble Shri Parth Prateem Sahu, J

Order on Board

Per Ajay Kumar Tripathi, CJ

04/01/2019

1. Appeal by the Governing Body against the order dated 18.7.2017 passed by the learned Single Judge was taken yesterday for final hearing.
2. The Institution seems to have finally realized that they do not have the powers to withhold the General Provident Fund (GPF) of an employee after his superannuation in lieu of non-settlement of so-called dues outstanding against him. The law is well settled that GPF cannot be withheld and infact it cannot even be attached for satisfaction of a decree.

3. Reasons for filing writ application by the petitioner/respondent No.1 herein against the Institution was non-payment of his GPF. During the proceedings before the writ Court lack of bonafides emerged, so the learned Single Judge not only contemplated to institute a FIR, especially against respondent No.4, who is appellant No.2 herein, but cost was also imposed upon the appellants herein to the extent of Rs.5,00,000/-.
4. Since the GPF now stands paid to respondent No.1 herein, which has been now acknowledged by the counsel representing him, the unsavoury incident is now required to be put to rest. The Court therefore set aside part of the order and direction of the learned Single Judge dated 18.7.2017 by quashing that part of the order where cost was imposed, upon the appellants herein.
5. The appeal stands allowed to the extent indicated above.

Sd/-
(Ajay Kumar Tripathi)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-