NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WRIT PETITION (S) NO. 5971 OF 2019

Ramesh Kumar Sharma S/o Late Shri Gokul Prasad Sharma Aged About 65 Years Retired Head Master Govt. Middle School Janjgir, Residence Village Ravidas Chouk Sharma Niwas Chandaniyapara, Janjgir District - Janjgir-Champa, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary Department Of School Education, Mahanadi Bhawan Atal Nagar, New Raipur, District - Raipur, Chhattisgarh
2. Distric Education Officer District - Janjgir-Champa, Chhattisgarh.
3. Block Education Officer Block Nawagarh, District - Janjgir Champa, Chhattisgarh.
4. Accountant General Chhattisgarh, District - Raipur, Chhattisgarh.

… Respondent(s)

For Petitioner	:	Shri Shashi Kumar Kushwaha,Advocate
For Respondent	:	Shri Ashwani Shukla, Adv.
For State	:	Shri P. Acharya, P.L.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

08.08.2019

1. The challenge in the present writ petition is to the order Annexure P/1 dated 30.09.2016 whereby the respondents have shown negative balance in the G.P.F. account of the petitioner to the tune of Rs. 5,47,016/- the petitioner herein was working under the respondents as a Head Master Govt. Middle School and stood retired from the service w.e.f. 29.02.2016.
2. According to the petitioner, though, in the office records, the G.P.F. account of the petitioner shows a debit balance but in the records available at the office of the respondent No. 4, there is a negative balance shown to the extent of Rs. 5,47,016/- which is under challenge in the present writ petition.
3. The contention of the petitioner is that he has never made so much withdrawal from the G.P.F. account and such deficit balance shown

is erroneous and it is without proper accounting records available with the employer that is respondent No. 2 and 3.

4. According to the petitioner, the said impugned notice has been issued without giving any opportunity of explanation to the petitioner, neither was he issued with any show cause notice to show whether any withdrawal had been made by him from his G.P.F. account while he was in service and therefore the said impugned notice as such may not be sustainable.

5. The counsel for the respondent however opposing the petition submits that, the record show that, there was certain withdrawals which were made from his G.P.F. account and which were not properly entered in his passbook and therefore when the scrutiny was done after his retirement, it was found that there was a negative balance of the aforementioned amount.

6. Given the aforesaid factual matrix of the case and also considering the contentions raised in the present Writ Petition, this Court is of the opinion that no fruitful purpose would be served in admitting the petition and keeping it pending, rather ends of justice would meet if the Writ Petition is disposed off setting aside Ex-P/1 on the ground of the same having been issued without granting an opportunity of hearing.

7. Let the respondents particularly the respondent No. 2 & 3 under whom the petitioner was last working have a sitting with the respondent No.4 i.e. the office of Accountant General and they shall verify the G.P.F. account of the petitioner and they shall also call upon the petitioner by giving him sufficient time to appear before them personally and explain so far as his G.P.F. account is concerned and after due verification of the G.P.F. account which the petitioner has and thereafter pass an appropriate order.

8. With the aforesaid direction, the Writ Petition stands allowed at motion stage itself.

Sd/-

(P. Sam Koshy)
Judge

Jyotijha