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HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No. 7633 of 2019

Ramayan Prasad Kaiwartya S/o Late Ram Baros Kaiwartya, Aged About 63 Years, R/o Janjgir, Ward No. 17, Near Sahu Chal, District Janjgir Champa, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Education Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, New Raipur District Raipur Chhattisgarh

2. The Accountant General (A & E) Chhattisgarh Zero Point Opposite Vidhan Sabha Road, Barauda, District Raigarh, Chhattisgarh-492

3. District Education Officer Korba, District Korba, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. G. R. Miri with Mr. Basant Kaiwartya, Advocates
For State	:	Mr. Chandresh Shrivastava, Dy. A.G.
For Respondent no.2	:	Mr. Raj Kumar Gupta, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order On Board

18.09.2019

1. The challenge in the present writ petition is to the order Annexures P-1 & P-2 whereby on a negative balance being shown in the GPF account of the petitioner to the tune of Rs.2,27,126/-, the respondent no.2 has deducted the said amount from the gratuity amount payable

to the petitioner.

2. According to the petitioner, this recovery which has been made from the petitioner by the respondents is bad in law and illegal. According to the petitioner, the negative balance shown in the GPF account of the petitioner is erroneous and that there was a credit balance in the GPF account at the time of his retirement.

3. Since the dispute in the instant case is in respect of negative balance in the GPF account, the same can be resolved only after due verification of the GPF account of the petitioner from the GPF records maintained in the office of the Accountant General as also in the office of the employer of the petitioner i.e. respondent no.3.

4. Given the said facts, let the respondent no.2 call upon the respondent no.3 to produce the entire GPF record pertaining to the petitioner so that the same can be cross tallied and verified whether at the end there was still deficit balance of Rs. 2,27,126/- or not. While cross tallying the entries maintained in the office of respondent no.3 with that of the records available in the office of the respondent no.2, it is expected that the respondent no.2 shall also call upon the petitioner in person who shall also produce all relevant records regarding GPF entries available with him for proper verification of facts.

5. Let the respondents 2 & 3 take an appropriate decision of reassessing the entire GPF account of the petitioner at the earliest preferably within a period of 4 months from the date of receipt of copy of this order and thereafter pass a fresh order deciding as to whether there would still be a deficit balance against the petitioner or not. If it is found that the negative balance shown vide Annexure P-1 was erroneous and the deductions made by the respondents are erroneous, the said amount should be immediately refunded to the petitioner preferably within a period of 45 days from the date of fresh order on reassessment is passed.

6. It shall be the responsibility of the petitioner to apprise the respondents 2 & 3 so far as the order passed by this Court is concerned. While apprising the respondents 2 & 3 the petitioner would clearly mention his GPF account number and other details to the respondent no.3. The petitioner would be at liberty to approach the Court if the grievance of the petitioner still survives.

7. Let the petitioner serve a complete set of writ petition to Mr. R. K. Gupta, counsel for the respondent no.2, who in turn shall send a copy of the same to the office of respondent no.2 for proper adjudication of the order passed by this Court.

8. With the aforesaid observation, the writ petition stands disposed of.

Sd/-
P. Sam Koshy
Judge

Khatai