

**HIGH COURT OF CHHATTISGARH, BILASPUR****WPS No. 75 of 2020**

- Ram Kumar Pandey S/o Late Shri Damodar Prasad Pandey Aged About 64 Years Retired Head Master Government Primary School Hardi, Residence Village Post Siund Block Nawagarh, 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. District Education Officer District Janjgir-Champa, Chhattisgarh
3. Block Education Officer Block Nawagarh, District Janjgir-Champa, Chhattisgarh
4. Accountant General Chhattisgarh District Raipur, Chhattisgarh

**---- Respondents**


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For Petitioner : Shri Shashi Kumar Kushwaha, Advocate

For Respondents/State : Ms. Akanksha Jain, Dy. GA

For Respondent No.4 : Shri Ashwani Kumar Shukla, Advocate

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**Hon'ble Shri Justice Goutam Bhaduri****Order On Board****08/01/2020**

1. Heard.
2. The grievance of the petitioner is that the petitioner stands retired on 31.03.2018 and after the retirement the retiral dues were settled and negative balance was shown in the account consequent thereto a recovery notice dated 28.02.2019 (Annexure P-1) for recovery of an amount of Rs.1,16,984/- has been issued. It is stated that before such issuance of letter dated 28.02.2019 neither any opportunity of hearing was given to the petitioner nor any document was ever supplied, therefore, the said order is bad in law as it defeats the

principles of natural justice.

3. Learned counsel for respondent No.4 would submit that the negative balance appears in the account of the petitioner, therefore, the said recovery notice was served.
4. Be that as it may, prima facie apparently facts would suggest that no opportunity of hearing was given to the petitioner before such recovery notice was served. When the recovery is sought for and it has a civil consequences then in such case opportunity of hearing cannot be shelved. Under these circumstances, let the respondents/State 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.

Sd/-

Goutam Bhaduri  
Judge

Ashu