

**HIGH COURT OF CHHATTISGARH, BILASPUR****WPS No. 3568 of 2015**

D.S. Rathiya, S/o. Late Tilak Ram Ratiya, Aged About 42 Years, Rural Agriculture Extension Officer, Lailunga, District Raigarh, Chhattisgarh, Police Station Lailunga, Civil And Revenue District Raigarh Chhattisgarh.

---- **Petitioner**

**Versus**

1. The State Of Chhattisgarh, Through The Secretary, Department Of Agriculture, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh
2. Director, Agriculture Department, Indirawati Bhawan, Naya Raipur, Tahsil And District Raipur, Chhattisgarh
3. Joint Director, Agriculture Nehru Chowk, Bilaspur, Tahsil And District Bilaspur Chhattisgarh
4. Senior Agriculture Development Officer, Lailunga, District Raigarh Chhattisgarh
5. Deputy Director, Agriculture Behind Collectorate, Raigarh, Tahsil And District Raigarh Chhattisgarh
6. Sub Divisional Officer, Agriculture Development Officer, Lailunga, District Raigarh Chhattisgarh
7. Accounts Officer, Office Of Accountant General Chhattisgarh, Raipur Chhattisgarh
8. L.N. Ram, S.D.O, Agriculture, Development Block Sakti District Janjgir Champa Chhattisgarh

---- **Respondents**

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| For Petitioner                     | : | Mr. A.K.Prasad, Advocate          |
| For State-Respondents<br>No.1 to 6 | : | Mr. Avinash Singh, Panel Lawyer   |
| For Respondent No.8                | : | Mr. Soumitra Kesharwani, Advocate |

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order On Board**

**20.02.2020**

1. The short question in this case is that the petitioner who is Rural Agriculture Extension Officer in the Agriculture Department posted at Lailunga, District Raigarh has contributed to the GPF and the

deductions were made. When he wanted to withdraw the part final of the GPF, it revealed that Rs.1,67,000/- has been withdrawn from the GPF Account. The petitioner thereafter had made a report and the State Government set up an enquiry committee and it was found that apart from the petitioner, from the account of other persons also, the GPF were withdrawn. It is contended by the petitioner with respect to the fact that whosoever has illegally withdrawn the amount of GPF, the petitioner has not withdrawn the amount; therefore, he cannot be denied when he sought for part final withdrawal and the State be directed to deposit the amount of Rs.1,67,000/- in GPF account of the petitioner so as to make good the loss.

2. In the return of the State, it has been stated that the departmental enquiry was commenced against the respondent No.8 namely L.N.Ram and one Chhauwa Ram and recovery would be made from such persons after completion of enquiry. State counsel would submit that unless and until the recovery is made, the reimbursement cannot be made good.
3. Heard learned counsel appearing for the parties and perused the documents.
4. Perusal of the document Annexure P-3 shows that the communication was made on 24.12.2009 and prima facie it was found by the inspecting team that from the Account of S.D.O. Agriculture Dharamjaigarh, GPF amount was withdrawn by forgery and it was found that the amount has been illegally withdrawn by some person and FIR was directed to be lodged. The document shows thereafter the enquiry was conducted and it was found that from the account of different persons GPF amount was withdrawn by forgery. The said documents are of 2009. As per the enquiry report, which is placed on

record, which prima facie shows it was found that the petitioner has not withdrawn the amount of Rs.1,67,000/- from the account of GPF. Consequently, if the amount has not withdrawn by the petitioner and prima facie the same has been established, the State cannot deny if the person concerned seeks withdrawal by way of part final. Furthermore, if after the enquiry as has been stated in the reply, the recovery would be made and the amount would be made good also cannot be accepted as with the lapse of time, if the enquiry remains for indefinite period or eventually at the end the recovery could not be made, the petitioner cannot be made to suffer on the ground that the recovery should not be made. The State is the trustee of the GPF, holding it on behalf of the beneficiary. Therefore, if someone by fraud has taken out the amount then in such case the beneficiary cannot be made to suffer for no fault of him. The record shows that considerable period has already been lapsed till the preliminary enquiry conducted and prima facie finding has been arrived at. The petitioner therefore cannot be kept waiting by saying that the amount which was deposited has forgery been withdrawn. Under the facts and circumstances of this case, the State is directed to make good the amount of Rs.1,67,000/- to the GPF account of the petitioner within a period of 60 days from the date of receipt of this order. The petitioner thereafter shall be entitled to withdraw the amount as per the rules and norms which governs for withdrawal.

5. In view of the aforesaid observation, the petition stands disposed off.

**Sd/-**  
**(Goutam Bhaduri)**  
**Judge**