

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 537 of 2020

- Dr. Chaw Singh Patle S/o Shri Shyam Lal Patle Aged About 67 Years
Occupation Retired Government Servant R/o Sonkar City Bilaspur Road
Mungeli , Thana Tahsil And District Mungeli Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Health Department
Mantralaya Mahanadi Bhawan Capital Complex Naya Raipur, District
Raipur Chhattisgarh.
2. Director Health Services Indrabati Bhawan , New Raipur , District Raipur
Chhattisgarh.
3. Chief Medical And Health Officer Bilaspur District Bilaspur Chhattisgarh.
4. Accountant General Raipur Nidhi - 07, Office Of Account And Pension ,
Pension Bada Raipur , District Raipur Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Sunil Sahu, Advocate
For State	:	Mr. Avinash Singh, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

30.01.2020

1. Learned counsel for the petitioner contends that the petitioner retired on 31.10.2017 and after 2 years of his retirement the petitioner was served with a letter dated 28.02.2019 (Annexure P-2) wherein it was stated that he was asked to pay Rs. 27,65,645/- and was asked to explain the facts. Subsequent to it the petitioner replied to the said notice by Annexure P-3 and thereafter the petitioner was able to explain the facts regarding transactions which shows that the petitioner was never paid any excess amount. It is stated that the petitioner though has explained those facts but the general provident fund amount still remains unpaid. Learned counsel appearing for the petitioner, on instructions, submits that the matter may be referred to the High Power Retiral Dues Committee.
2. This Court, in the matter of W.P.No. 4642/2004 (Bajinath Mandal Vs. The State of Chhattisgarh & others) and other connected matters, directed the Committee to consider the matter of retiral dues as the disputed question

of facts were involved. The Committee was constituted by the State Government, pursuant to the order dated 19.06.2006 passed in W.P. No. 1961/2006 (Smt. Keja Bai Chandrakar Vs. State Government of Chhattisgarh and others), and order dated 13.3.2008 passed in M.C.C. No. 105 of 2008 (State of Chhattisgarh and others Vs. Baijnath Mandal and another). Thus, this petition is squarely covered by the judgment and order dated 31st January, 2008 passed in W.P. No. 4642/2004 (Baijnath Mandal (supra) as submitted by learned counsel appearing for the parties.

3. This petition is accordingly disposed of in the same terms i.e., the office of the Advocate General is directed to send the case to the Committee, within a period of 15 days from the date of receipt of a copy of this order as well as a copy of the petition from the petitioner. Thereafter, the Committee shall issue notice to the petitioner and officers concerned within a further period of 15 days. The Committee shall consider and pass order, in accordance with law, after affording proper opportunity of hearing to the petitioner. The petitioner and the officers concerned may file additional documents, if necessary. The entire exercise, including payment of retiral dues, if any, to the petitioner, be completed within a period of four months from the date of receipt of a copy of this order.
4. The petitioner shall supply one complete set of the petition to the State counsel for transferring the same to the Committee.
5. In case of grievance with regard to non-payment of GPF amount, it is not necessary to file a writ petition before this Court directly. The representation/application can be moved before the High Power Retiral Dues Committee, as stated above. The Committee shall not refuse to entertain the representation/ application, if so filed directly.
6. With such observation, the petition stands disposed off.

Sd/-
(Goutam Bhaduri)
Judge