NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1169 of 2020

- Chandrakant Tiwari, S/o Late Shri R.B. Tiwari Aged About 63 Years R/o Kalika Nagar, Tifra, Bilaspur, Police Station- Sirgitti, Tahsil And District Bilaspur Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, Department Of Home/ Police, Mahanadi Bhawan, Mantralaya, Police Station And Post - Rakhi, Atal Nagar, Raipur, District - Raipur Chhattisgarh.
2. Accountant General Office Of Accountant General, Treasury, Accounts And Pension, Near Vidhan Sabha Bhawan, Zero Point, Raipur, District - Raipur Chhattisgarh.
3. Inspector General Of Police (I.G.P.) Office Of Inspector General Of Police (I.G.P.), Near Nehru Chowk, Bilaspur, District Bilaspur Chhattisgarh.
4. Senior Account Officer Office Of Accountant General, Treasury, Accounts And Pension, Near Vidhan Sabha Bhawan, Zero Point, Raipur, District - Raipur Chhattisgarh.
5. Superintendent Of Police (S.P.) Office Of Superintendent Of Police (S.P.), Janjgir-Champa, District Janjgir-Champa Chhattisgarh.

--Respondents

For Petitioners	:	Shri Abhishek Pandey, Advocate
For Respondents/State	:	Shri Soumya Rai, Panel Lawyer
For Respondent No. 2 & 4	:	Shri Raj Kumar Gupta, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

24-02-2020

Heard.

1. The issue involved in the present case is an action on the part of the respondents who have passed an order showing negative balance of Rs. 4,33,704/- in the GPF Account.
2. According to the petitioner, he retired from service as Assistant Sub

Inspector on 31/05/2019. On his retirement the petitioner has been paid all his retiral dues payable to him at that point of time including the G.P.F. money. Later on the impugned order dated 25/10/2019 has been served showing negative balance of Rs. 4,33,704/- in the GPF account of the petitioner. The respondents thereafter initiated recovery proceeding against the petitioner and the monthly recovery has been made. According to the petitioner there is no enquiry whatsoever conducted by the department so as to reach to the conclusion of negative balance. He further submits that the department in any case would not be in a position to make recoveries from the pension as the same is non contravention to the pension rules. Moreover, the petitioner has not been taken into confidence before passing the order of recovery and thus prays for quashment of the impugned order.

3. Learned counsel for the respondent and State supported the contention of the recovery and would submit the GPF amount have not been properly accounted. The petitioner must have paid inadvertently higher amount.

4. Having heard the contentions put forth on either side and perusal of the record it clearly shows that the proceedings on the petitioner's retirement from service w.e.f. 31.05.2019. He was paid his entire retiral dues including G.P.F. amount. The impugned notice have been passed in respect of the alleged negative balance in the G.P.F. Account. It also appears that before passing the impugned order the respondents have not taken the petitioner into confidence. The respondents were liable to call upon the petitioner to explain so far as the G.P.F. account is concerned and also in respect of the any withdrawals which is reflected or withdrawals which have been made by the petitioner but has not been properly entered by the department, in the absence of which the recovery proceedings is not sustainable.

5. The impugned order is therefore set aside at this juncture given the liberty to the respondents to conduct a fresh enquiry so far as his G.P.F. Account is concerned. Respondents No. 2,3,4 & 5 are directed to produce and reconcile the GPF Account with GPF Passbook of the petitioner particularly

in respect of the alleged periodical withdrawals if any made by the petitioner. The aforesaid respondents would also call upon the petitioner to give explanation so far as the withdrawals if any or the entries in respect of the withdrawals maintained by the department. The petitioner would also be entitled to produce documentary proof if any, which is in his possession so far as the GPF deduction is concerned. Let this exercise be completed within a period of four months from today. Meanwhile it is ordered that recovery proceedings which have been initiated by the department from the pension of the petitioner shall be kept further in abeyance till the enquiry is conducted and after the enquiry if it is found that the deduction has wrongly been made then that shall be returned to the petitioner within a period of 30 days from the date of conclusion of the enquiry

6. Accordingly the petition stands disposed off.

Sd/-
Goutam Bhaduri
Judge

Jyoti