NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 4704 of 2020

1. Kedarnath Gupta, S/o Late Shankar Prasad Gupta, Aged About 67 Years, R/o Adarsh Nagar, Sitapur, Ward No. 01, Block Sitapur, District Surguja Chhattisgarh

---- Petitioner

Versus

1. State of Chhattisgarh Through The Secretary, Department Of School Education, Mantralaya, Mahanadi Bhawan, Atal Nagar Nawa Raipur District Raipur Chhattisgarh
2. The Accountant General, Government of Chhattisgarh, Zero Point, Balodabazar Road, Raipur District Raipur Chhattisgarh
3. The District Education Officer, Ambikapur, District Surguja Chhattisgarh
4. The Block Education Officer, Mainpat, District Surguja Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Harish Khuntiya, Advocate
For State	:	Mr. Vivek Ranjan Tiwari, Addl. A.G.
For Resp. No. 2	:	Mr. Rajkumar Gupta, Advocate

Hon'ble Shri Justice P. Sam Koshy
Order on Board

04.12.2020

1. The grievance of the petitioner in the present writ petition is the non-settlement of the GPF amount payable to the petitioner on his retirement.

2. The contention of the counsel for the petitioner is that the petitioner has retired from service w.e.f. 30.04.2016 from the post of Upper Division Teacher. As per the petitioner, on the date of his retirement, the petitioner had an amount of Rs. 2,64,870/- in the pass book payable to him. However, subsequent to his retirement,

the respondents have now pointed out that in the year 1996-1997 there was a withdrawal of Rs. 40,000/-. Similarly, in the year 2002-2003, there was a withdrawal of Rs. 60,000/- and Rs. 23,000/- on two occasions first in July and second in December and as such, the said amount is ordered to be recovered from the petitioner's GPF Account.

3. It is a categorical contention of the petitioner that he has not made any such withdrawal from the GPF Account in his service career as mentioned above and that the said finding given by the department is an erroneous finding and the petitioner in-fact is entitled for the entire amount of Rs. 2,64,870/-.

4. On the contrary, the contention of the counsel for the respondent no. 2 is that all these three withdrawals from the account of GPF, the entries of which were properly entered in the pass book and he has credit balance of Rs. 2,64,870/- whereas there is an amount of Rs. 1,23,000/- to be adjusted from the said account in the course of settlement of GPF Account.

5. Given the nature of dispute that the petitioner has raised and the finding of the respondents, this Court is of the opinion that no fruitful purpose would be served in keeping the writ petition pending rather ends of justice would meet, if the matter is referred back to the authorities concerned for thorough scrutiny of the GPF Account of the petitioner matching the entries that are made by the employer/ State Government with the entries that are made with the Office of the Accountant General as compared to the entries that are

reflected in the passbook of the petitioner; so far as his GPF Account is concerned.

6. With the aforesaid observations the writ petition at this juncture stands disposed off directing the respondents no. 3 and 4 to make available the entire documents in-respect-of the GPF entires of the petitioner that are made available to the respondent no. 2 and the respondent no. 2 and 3 in turn shall call upon the petitioner to give his explanation; so far as these entries are concerned and after due verification of the entire documents and the entries made in the GPF Account of the petitioner, a fresh order be passed at the earliest, preferably within a period of ninety days from the date of receipt of copy of this Order.

7. The petitioner is also expected to render full cooperation to the respondents in the course of settlement of his GPF Account. In case, if it is found that any dues still is payable to the petitioner, the same be forthwith released within thirty days after the decision is taken on the GPF Account of the petitioner.

8. With the aforesaid direction, the present writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Rahul