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HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No. 566 of 2021

Sita Ram Sahu S/o Shri Mohan Singh Sahu, Aged About 66 Years, R/o Village - Boridkhurd, Post Office Shantipur Via Gurur, Tahsil And District Dhamtari, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Water Resources, Indrawati Bhawan, Atal Nagar, Police Station - Rakhi, District – Raipur, Chhattisgarh

2. The Engineer - In - Chief, Water Resources Department, Shivnath Bhawan, Atal Nagar, Naya Raipur, Raipur, District Raipur, Chhattisgarh

3. The Executive Engineer, Water Resources Division No. 1, Raipur, District Raipur, Chhattisgarh

4. The Executive Engineer, Water Resources Department, Mahanadi Reservoir Project, Dam Division No. 2, Rudri, District Dhamtari Chhattisgarh

5. The Accountant General, Office Of Accountant General (A & E), Indian Audit And Accounts Department, Zero Point, Opposite Vidhan Sabha, Baloda Bazar Road, Raipur, District Raipur, Chhattisgarh

6. The Senior Accounting Officer, Office Of Accountant General (A & E), Indian Audit And Accounts Department, Zero Point, Opposite Vidhan Sabha, Baloda Bazar Road, Raipur, District Raipur, Chhattisgarh

7. The Sub - Divisional Officer, Nidhi - 10, Office Of The Accountant General, Pagariya Bhawan, New Bus Stand, Raipur, Chhattisgarh

8. The Divisional Joint Director, Directorate Of Treasury, Accounts And Pension, Raipur Division, Raipur, District – Raipur, Chhattisgarh

---- Respondents

For Petitioner : Mr. Tridib Bhattacharya, Advocate
For Respondents : Ms. Akankshya Jain, Dy. G.A. and Mr. Ramakant Mishra, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order On Board

12.02.2021

1. The grievance of the petitioner in the present writ petition is the repeated reminder sent to the petitioner through the office of the Accountant General i.e. respondent no.5 in respect of a demand of Rs.4,27,554/- with interest. The said amount has been sought by the office of the Accountant General by virtue of a deficit balance in the GPF account of the petitioner which is reflected.

2. The contention of the petitioner is that though he has retired from the post of Sub-Engineer w.e.f. 30.09.2016, till date he has not received any payment from GPF account. According to the petitioner, his passbook that is maintained with the respondents shows a credit balance of an amount of Rs.6,78,206/-. Further categorical contention of the petitioner is that from the records it is reflected that there was some withdrawals made from the GPF account of the petitioner in the year 2003-04 and the withdrawals have been shown to be made from the office of the respondents at the Raipur Division. According to the petitioner, during the relevant period i.e. 2003-04 the petitioner in fact was not posted at Raipur Division rather he was posted at Division No.2 at Dhamtari. According to the petitioner, since he was at the relevant point of time posted at Dhamtari, he could not have made any part withdrawal from his GPF account from Raipur Division. Counsel for the petitioner refers to the correspondence made from the office of

the Accountant General wherein the office of the Accountant General has also made remarks that since the petitioner was not posted at Raipur Division at the relevant time, the payment could not have been withdrawn from Raipur Division and there seems to have been some financial irregularities in the said transactions.

3. Counsel for the respondents submits that since there was a deficit balance reflected in the GPF account of the petitioner, the office of the Accountant General has issued notices to the petitioner for depositing the said amount.

4. Counsel for the petitioner at this juncture prays that let the matter be inquired by the office of the Accountant General as also from the office of the respondents 2 to 4 to verify the allegations of illegal withdrawals of the GPF Account of the petitioner.

5. Given the submissions made by the counsel for the parties, the writ petition at this juncture stands disposed of directing the respondents 2 to 4 to conduct an inquiry in this regard within a period of 90 days from the date of receipt of copy of this order verifying the fact whether the petitioner has made any withdrawal from his GPF account during the period of 2003-04 and whether the petitioner has made any application in this regard from Raipur Division of the respondents from where the withdrawals have been shown and the same can also be counter-verified from the records available with the office of the Accountant General and an appropriate decision should also be taken at the earliest.

6. If the authorities are reached to the conclusion that the petitioner in fact has not made any such withdrawal, the GPF amount payable to the petitioner should be settled within a further period of 90 days. The respondent no.2 is further directed to ensure that subject to the findings of the inquiry if there has been a financial irregularity or misappropriation of the GPF account of the petitioner by some other persons other than the petitioner, appropriate criminal action should also be taken by immediately lodging an FIR against the erring officers or employees as the case may be.

7. Meanwhile, it is ordered that for the period during which the respondents shall be conducing verification/inquiry, the respondents 5 & 6 shall not take any coercive step against the petitioner for recovery of the amount as reflected in Annexure P-1.

8. The writ petition accordingly stands disposed of.

Sd/-
P. Sam Koshy
Judge

Khatai