IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 15446 of 2012

Brajakishore Sahoo	…..	***Petitioner***
		Ms. S. Pattnaik, Adv.
	Vs.	
State of Orissa and others	…..	***Opposite Party***
		Mr. S.K. Dash, Adv.

CORAM:

DR. JUSTICE B.R. SARANGI
MISS JUSTICE SAVITRI RATHO

ORDER
16.03.2022

Order No. 7.

This matter is taken up through hybrid mode.

2. Heard learned counsel for the parties.

3. The petitioner has filed this writ petition assailing the order dated 19.04.2012 passed by the Orissa Administrative Tribunal, Cuttack Bench, Cuttack in O.A. No. No. 1858 (C) of 2006, dismissing the original application being devoid of merit.

4. Ms. S. Pattnaik, learned counsel for the petitioner contended that the petitioner, who had retired as an Executive Engineer, had approached the tribunal claiming for his GPF amount to the extent of Rs.2,69,394/-, which was adjusted towards interest, though he is entitled to Rs.3,19,469/- as per calculation made by the opposite parties under Annexure-2 as on 16.07.2004. It is further contended that the petitioner does not dispute the calculation made under Annexure-2, but so far as deduction of Rs.2,69,394/- towards interest is concerned, the same is subject matter of challenge before this Court. The petitioner has withdrawn an amount of Rs.19,200/- and subsequently Rs.50,000/-, and the said amount has not been repaid to the PF account of the petitioner. Calculation of interest has been made on this amount. As a consequence thereof, when final withdrawal of GPF came up for consideration, after deducting an amount of Rs.2,61,440/- towards

interest, an amount of Rs.91,096/- was disbursed to him, which he received under protest. It is contended that the amount which has been paid to the petitioner relates to the year 1983-84 and even though the amount has not been repaid to the PF account of the petitioner, interest has been calculated on it. Consequentially, the petitioner has received letter from the GPF authority.

5. Mr. S.K. Dash, learned counsel for the opposite parties contended that it is admitted fact that the petitioner had taken an amount of Rs.19,200/- and subsequently Rs.50,000/- and the same was not repaid to the GPF account and as per the provisions of law, the same should not carry interest. As such, after calculation of interest, the same comes to Rs.2,61,440/- and after deduction of the amount of excess interest from his final GPF amount, i.e. Rs.3,19,469/-, balance amount of Rs.91,096/- was released in his favour.

6. Having heard learned counsel for the parties and after going through the records, this Court finds that no illegality or irregularity had been committed by the authority concerned. As such, the tribunal is well justified while rejecting the claim of the petitioner by taking note of the fact that Rule-70(A) of O.C.S. (Pension) Rules 1992 lays down that any over payment to a retired government employee or his/her family on account of final payment of general provident fund, gratuity, pension and temporary increase detected before or after the retirement, not being legally due to such retired employee or his/her family, shall be deemed to be government dues and shall be recovered from his/her gratuity and/or temporary increase on pension. In such view of the matter, this Court is of the considered view that the recovery, which has been made towards interest from out of the total GPF amount, cannot be said to be illegal and as a

consequence thereof, the petitioner cannot claim such benefit at this stage. Consequentially, this Court does not find any illegality or irregularity to have been committed by the tribunal so as to warrant interference by this Court.

7. Accordingly, the writ petition merits no consideration and the same is hereby dismissed.

(DR. B.R. SARANGI)
JUDGE

Ashok/Sukanta

(SAVITRI RATHO)
JUDGE