IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA-5079-2015
Reserved on: 04.09.2025
Date of decision: 07.11.2025

RADHEY SHAM

..Appellant

Versus

STATE OF HARYANA THROUGH COLLECTOR, HISAR & ORS

..Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Mohit Garg, Advocate
for the appellant.

Mr. Ram Karan Sharma, DAG, Haryana.

SUDEEPTI SHARMA, J.

1. The challenge in the present appeal is to judgment and decree dated 13.03.2015 passed by learned District Judge Hisar, whereby, the appeal filed by respondent-State of Haryana was allowed and judgment and decree dated 13.01.2013 passed by learned Civil Judge (Junior Division), Hisar was set aside.

BRIEF FACTS OF THE CASE

2. Brief facts of the case as per the pleadings in civil suit are that appellant has joined as peon through employment exchange on 22.11.1971 in the Education Department Haryana and was superannuated on 30.04.2010 from Government Senior Secondary School, Juglan, Tehsil and District Hisar. Thereafter, all his retiral benefits were released except amount of GPF

to the tune of Rs.74,684/-. Thereafter, for non-release of Rs.74,684/-, the appellant filed civil suit before learned Civil Judge (Junior Division), Hisar contending that the amount of Rs.74,684/- was shown as balance amount in the Annual General Provident Fund statement issued to him on 31.03.2009. It was further stated that vide letter in reference bearing No.Nidhi-25/Haryana Education/10-11/88/1748-49, the above referred to amount was deducted from his account of Annual General Provident fund without issuing any show cause notice, therefore, the deduction was made in violation of principle of natural justice and there was no fraud or misrepresentation on the part of the appellant. The civil suit filed by him was decreed in his favour vide judgment and decree dated 31.03.2013. The respondent-State of Haryana filed appeal against judgment and decree dated 31.03.2013, which was allowed vide judgment and decree dated 13.03.2015 by learned District Judge, Hisar. And judgment and decree dated 31.03.2013 was set aside. Hence, the present appeal.

SUBMISSIONS OF LEARNED COUNSEL FOR THE PARTIES:

3. Learned counsel for the appellant contends that the amount of GPF was deducted with interest without any notice and there was no fraud or misrepresentation on the part of the appellant. He further contends that DW-1 Dharampal Fogat, Assistant Auditor Officer, AG Office admitted that no notice was given to the appellant regarding withholding of excess amount of GPF. Therefore, he prays that the present appeal be allowed.

4. Per contra, learned counsel for respondent-State of Haryana contends that appeal filed by the State is rightly allowed and prayed that the present appeal be dismissed.

5. I have heard learned counsel for the parties and have perused the whole record of the case with their able assistance.

ANALYSIS OF RECORD:

6. A perusal of the record shows that the appellant retired on 30.04.2010 and at that time an amount of Rs.1,47689/- was disbursed to him after deducting Rs.74,684/- being excess amount wrongly credited in the GPF account of the appellant. At the time of retirement when recalculation was done it was found that amount of other person was credited in his account, therefore, his actual amount in his GPF was Rs.1,47,689/-, which was released to him after his retirement as per entitlement. The GPF statement issued to the appellant showing an amount of Rs.1,91,288/- was upto 31.03.2009 and appellant retired on 30.04.2010. Learned trial Court allowed the amount, which was wrongly credited in the account of the appellant on the ground that it was the mistake on the part the department. The respondents at the time of retirement of the appellant deducted an amount of Rs.74,684/- along with interest at the rate of 12% per annum.

7. DW-1 Dharampal Fogat has specifically stated that during the year 1982-83, in addition to normal regular 12 credits, 4 excess credits @ 50/- per month amounting to Rs.200/- pertaining to another subscriber were credited in the GPF account of the appellant and in the year 1984-85 an excess amount of Rs.6,120/- was credited in the GPF account of the appellant and both the above referred to excess amount i.e. amount of Rs.200/- and Rs.6,120/- were deducted with interest at the time of releasing GPF final payment on 26.07.2010. He was subjected to cross-examination and he deposed that amount from GPF account of the appellant is correct as per the calculation made by the department. No suggestion was made to him

that the amount of Rs.74,684/-, which was deducted from the GPF account of the appellant was his deposited amount in the GPF account after making deductions from his salary. The appellant even did not rebut the deductions made at the time of releasing the GPF amount nor he produced any documentary proof to prove that the deducted amount relates to him. Non-issuing of notice to the appellant before deducting the said amount along with interest is immaterial because amount shown in GPF statement remains subject to the final calculation done at the time of releasing the GPF amount on superannuation. So far as the interest is concerned, when the amount was credited in the account of the appellant, the interest usually remained accrued on the amount till its realization.

8. Further, so far as the contention of learned counsel for the appellant that appellant never misrepresented nor committed any fraud is concerned, that is of no relevance since it is not even the case of the respondent that appellant has misrepresented. Admittedly, the appellant himself does not claim the said excess amount to be his amount.

9. The declaration beneath the GPF statement reads as under:-

> *"We hereby declare that the above mentioned information based on the record received by the office is accurate and verified to the best of our knowledge. However, the balance is subject to verification at the time of final payment and liable to revision after ab-initio rechecking of the account due to either excess credit interest or any other discrepancy."*

10. A perusal of the above shows that every employee is bound by the above referred to declaration and if any wrong entry is made in his GPF statement, the respondent has right to correct it.

11. This Court in ***CWP-8407-2010, titled as "Suresh Kumar Vs. State of Haryana and others", decided on 17.03.2011***, held as under:-

> *"On due consideration of the matter, I am of the considered opinion that the contention raised by the learned counsel for the petitioner does not merit acceptance. The amount of Rs. 14,662/- which was credited to the account of the petitioner was on account of some mistake in accounts and it was not on account of accrual of any benefit, increment or step up in pay etc. and was thus wrongly given to him. It was thus evident that he was not entitled to the said amount and he wrongly retained the same. If a mistake had been committed by the respondents then the petitioner ought to have returned this amount or brought to the notice of the respondents but he withheld this amount wrongly and utilised the same for his own ends. He was thus not rightfully entitled to this amount. The respondents rightly deducted this amount alongwith interest from the GPF account of the petitioner at the time of settling his dues on account of his superannuation. An amount which has been wrongly withheld by the petitioner to which he was not rightfully entitled to, would not attract the ratio of judgment laid down in Budh Ram's case(supra), and even otherwise, the same does not enhance the case of the petitioner as this sort of eventuality is also discussed therein.*
>
> *Having regard to the aforesaid, the instant petition is held to be without any merit and the same is hereby dismissed."*

12. In another judgment passed in ***CWP-7381-2012, titled as "Gian Bahadur Vs. State of Haryana and others", decided on 17.02.2014***, this Court held as under:-

"Reply to the writ petition has been filed wherein it has been stated that inadvertently an amount of 5800/- was shown excessive in the GPF Account of the petitioner in the year 1981-82. At the time of final payment of the GPF to the petitioner on his retirement, this mistake was detected. On the basis of the wrong entry in the GPF Account of the petitioner, the principal amount alongwith interest accrued thereon has been deducted from the final payment made to him from the GPF Account.

This action of the respondents cannot be said to be unjustified. The writ petition being devoid on merit stands dismissed."

DECISION:

13. In view of the above discussion, I do not find any infirmity or illegality in the judgment and decree dated 13.03.2015 passed by learned District Judge Hisar, and the same is hereby upheld.

14. Consequently, the present appeal is hereby ***dismissed***. Parties are left to bear their own costs.

15. Decree sheet be drawn.

November 07th, 2025 **(SUDEEPTI SHARMA)**
Ayub **JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No