(2018) 03 CHH CK 0067

In the Chhattisgarh High Court

Case No : Writ Petition (S) No.3608 of 2011

BALBHADRA PRATAP SINGH APPELLANT

Vs

STATE OF CHHATTISGARH AND ORS. RESPONDENT

Date of Decision : 16-03-2018

Acts Referred:

Citation : (2018) 03 CHH CK 0067

Hon'ble Judges : P. SAM KOSHY

Bench : Single Bench

Advocate : Ashok Shukla, M. Asha, RK Gupta

Final Decision : Disposed Of

Judgement

1. The challenge in the present writ petition is to the order dated 08.06.2011 (Annexure P/1) passed by the High Power Committee whereby minus

balance in the GPF account of the petitioner has been shown to the tune of Rs.1,34,920/-.

2. The present is a second round of litigation. The earlier round of litigation was WPS No. 441 of 2010 which stood disposed of directing matter to be

considered by the Committee. The matter was subsequently scrutinized by the Committee and an order was passed on 08.06.2011. Subsequently, the

said order dated 08.06.2011 stood modified vide order dated 17.08.2011 (Annexure R/3) whereby the department has rectified the minus balance from

Rs.1,34,921/- to Rs.60,404/-.

3. The contention of the counsel for the respondent-Accountant General is that the dispute revolves around three alleged withdrawals made by the

petitioner i.e. Rs.9900/- made on 22.04.1992, Rs.24,500/- made on 29.01.1995 and again Rs.9900/- made during the said period and it is these amounts which were not reflected in the GPF passbook maintained in the department of the employee which on verification was detected by the office of the

Accountant General which has resulted in the minus balance.

4. Though on an earlier round of litigation, the matter was scrutinized by the Committee but the report of the Committee does not reflect any

discussion made in respect of the entire dispute raised. This court in exercise of powers conferred under Article 226 of the Constitution of India may

not be empowered to hold a threadbare inquiry scrutinizing in the records maintained both at the employer level so also in the office of Accountant

General.

5. Given the facts and circumstances of the dispute particularly on the submissions made by the petitioner that there are specific orders by the

department that he has not withdrawn the amounts of Rs.24,500/- as alleged by the office of Accountant General so also the amount of Rs.9900/-

entered on two places also is erroneous as there is again a finding by the office of Account General that it is an erroneous entry made, this court is of

the opinion that all these aspects would be looked into by the concerned authority. Therefore, the present writ petition is disposed of with a direction

that the office of Accountant General-respondent No.3 and a senior level officer from the office of Chief Executive Officer, Janpad Panchayat,

Surajpur, and the petitioner or his representative who is fully equipped with the records, sit together and verify the GPF account of the petitioner so

that the entire dispute raised by the petitioner can be resolved.

6. Since the petitioner and the respondents are represented through their lawyers, it is ordered that let the party hold a meeting on 30.04.2018. Since

the petitioner, as on date, is aged about 80 years, the meeting shall be convened in the office of the Chief Executive Officer, Janpad Panchayat,

Surajpur. The Accountant General, Raipur, is directed to ensure deputing a competent officer to appear in the meeting on 30.04.2018 along with

original records in respect of the petitioner that is available at the office of Accountant General so that the matter can be resolved on the same day.

7. After the meeting is held, let appropriate order be passed at both level i.e. by the department as also from the office of the Accountant General with

regard to outcome of the said meeting specifically dealing with the excess payment, if any, made to the petitioner.

8. Till the outcome/decision of said committee on the grievance of the petitioner is arrived at, no co-ercive steps be taken by the respondents for

recovery of the amount.

9. With the aforesaid observations, the writ petition stands disposed of.

