
(2016) 01 MP CK 0027
In the Madhya Pradesh High Court
Case No : W.P. No. 13699 of 2010

Kashi Yadav

APPELLANT

Vs

State of M.P

RESPONDENT

Date of Decision : 08-01-2016

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2016) 1 MPWN 225

Hon'ble Judges : Sanjay Yadav, J.

Bench : Single Bench

Advocate : A.K. Tiwari, Advocate, for the Appellant; J. Pandit, Govt. Advocate, for the Respondent

Final Decision : Dismissed

Judgement

Sanjay Yadav, J.—Heard.

1. Grievance raised by the petitioner, widow of erstwhile employee of Water Resource Department, is against the action by respondents of effecting recovery of Rs.5,52,239/- from the retiral dues and from the dearness relief which in turn is because of overdrawal and minus debit balance in the General Provident Fund A/c of the petitioner's husband.

2. Petitioner's husband was employed as Senior Superintendent in the office of Chief Engineer, Upper Narmada Zone, Water Resource Department, Jabalpur. He died while in service. The pension was settled with issuance of Pension Payment Order on 03.04.2006. However, recovery of Rs.5,72,327/- are shown to be effected from the petitioner being the amount towards negative balance, meaning that though there was no balance in the GPF A/c yet the amount was drawn therefrom. That a letter dated 25.03.2010 was issued by the District Treasury Officer addressed to Manager, Central Bank, Branch Tilwaraghat, directing him to recover the amount of Rs.57,2,327/- from the petitioner's dearness relief.

3. This communication is the cause for present petition.

4. It is urged on behalf of the petitioner that the authority concern has grossly erred in holding that the petitioner late overdrawn from the GPF A/c holding in minus balance.

5. Respondent No.5 has refuted the contentions. It is urged that during service petitioner's husband withdrew amounts between 1982 to 1992 but were not entered in GPF Pass Book maintained by the employer. It is further contended that by letter dated 10.5.2006, Chief Engineer was called upon to give the details of withdrawals which were affirmed by the Superintending Engineer, Narmada Development Circle No.12, vide his letter of 17.11.06 following details of the withdrawal debits has been given in the reply:

As per Passbook

As per record of Answering Respondent No.5

Remarks

Month

Amount of withdrawal

Month

Amount of withdrawal

11/82

1132/-

11/82

1,172/-

This P.F. withdrawal of Rs.1172/- is recorded in the record of Answering Respondents No. 5 (Voucher No. 41)

80/87

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10/87

13,200/- (P.F.)

This P.F. withdrawal of Rs. 13,200 is recorded in the record of Answering Respondent No.5 (Voucher No. 163)

6/93

4000/-

6/93

40,000/- (P.F.)

This P.F. withdrawal of Rs. 40,000/- confirmed as having been withdrawn by late Shri Sukhram Yadav as per his Service Book

11/94

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11/94

40,000/- (P.F.) Voucher No. 8/28.11.94

This P.F. withdrawal of Rs. 40,000/- confirmed vide letter dated 17.11.2006 of S.E. Narmada Development Circle No. 12, Narmada Nagar, Khandwa (M.P.) as having been withdrawn by late Shri Sukhram Yadav. (Section No. 2793/LFkk/270 dated 21.11.94, Bill No. 7 dk 11/94 withdrawn for the purpose of purchase of plot).

2/95

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2/95

35,000/- (P.F.) Voucher No. 23 dated 2/95

This P.F. Withdrawal of Rs. 35,000/- confirmed vide letter dated 17.11.2006 of S.E. Narmada Development Circle No. 12, Narmada Nagar, Khandwa (M.P.) as having been withdrawn by late Shri Sukhram Yadav. (Saction No. 556/LFkk-/270 dated 20.02.95, Bill No. 14 dk 02/95, withdrawn for the purpose of sister's marriage).

1/96

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1/96

20,000/- (Temp. Advance) Voucher No. 15 dated 1/96

This Withdrawal (Temporary Advance) of Rs. 20,000/- confirmed vide letter dated 17.11.2006 of S.E. Narmada Development Circle No. 12, Narmada Nagar, Khandwa (M.P.) as having been withdrawn by late Shri Sukhram Yadav, (Sanction No. 85/LFkk ./270 dated 09.01.96 Bill No. 4 dk 1/96, withdrawn for the purpose of wife's medical treatment)

1/97

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1/97

20,000/- (P.F.) Voucher No.8 dated 1/97

This P.F. Withdrawal of Rs. 20,000/- confirmed vide letter dated 17.11.2006 of S.E. Narmada Development Circle No. 12, Narmada Nagar, Khandwa (M.P.) as having been withdrawn by late Shri Sukhram Yadav. (Sanction No. 92/LFkk /270 dated 6.01.97, Bill No. 6 dk 01/97, withdrawn for the purpose of wife's medical treatment)

7/97

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7/97

20,000/- (P.F.)

This P.F. Withdrawal of Rs. 20,000/- confirmed vide letter dated 17.11.2006 of S.E., Narmada Development Circle No. 12, Narmada Nagar Khandwa (M.P.) as having been withdrawn by late Shri Sukhram Yadav. (Sanction No. 2598/LFkk /270 dated 24.07.97, Bill No. 18 dk 07/97, withdrawn for the purpose of wife's medical treatment)

6. It is urged by learned Government Advocate that by adding penal interest amount of Rs.572327 calculated as on 10.08.2005 is to be recovered. No material documents has been commended at by the petitioner to belie the debits in her husband's GPF A/c.

7. Since the ledger A/c maintained by the Officer of Accountant General in due course of business and as per statutory provisions, minus balance therein in petitioner's husband's GPF A/c cannot be doubted.

8. In view whereof, since petitioner fails to establish that there is no negative balance in GPF A/c of her husband, no relief can be granted. Consequently, petition fails and is dismissed. Interim order dated 29.9.2010 is vacated. There shall be no costs.