

(2023) 08 CHH CK 0060
In the Chhattisgarh High Court
Case No : Writ Petition (S) No. 4168 Of 2021

Thakur Ram Sahu

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision : 29-08-2023

Acts Referred:

Citation : (2023) 08 CHH CK 0060

Hon'ble Judges : Deepak Kumar Tiwari, J

Bench : Single Bench

Advocate : Vinay Pandey, Ruchi Nagar, RK Gupta

Final Decision : Disposed Of

Judgement

1. Grievance of the petitioner in the present writ petition is that despite various representations preferred by the petitioner to the respondent authorities for releasing the amount of Rs.95,000/- with interest against the GPF, the same are not being decided by the respondents.

2. Learned counsel for the petitioner submits that in the GPF account of the petitioner bearing Account No.CIRR-53571, it has been wrongly shown that the petitioner has withdrawn Rs.95,000/- in the year 2004, though a letter has been sent by respondent No.2 to respondent No.3 categorically informing that no withdrawal has been made in the month of September, 2004. On 24th April, 2019, by sending a copy of the cash book for the months of August, September & October, 2004 to respondent No.3, the said fact has been reiterated that withdrawal of Rs.95,000/- has not been made by the office and a request was made for necessary correction in the GPF account of the petitioner. Despite such information having been given, respondent No.3 has not released the said amount.

3. On the other hand, learned counsel for respondents No.1 & 2 submits that a detailed scrutiny is required with regard to the fact whether any withdrawal has been made by the petitioner or not from his GPF account and the petitioner has

straightway rushed to this Court without availing the alternative remedy available to him.

4. In the return filed by respondent No.3, it has been mentioned that part final withdrawal of Rs.95,000/- posted in the office record in the month of September, 2004 vide voucher No.103 and reflected in the GPF account of the petitioner was withdrawn by the DDO RAC WRD 007, Executive Engineer, Water Management, Division-01, Raipur vide cheque No.363398, net amount Rs.7,15,000/- dated 24th September, 2004 through the Treasury, Raipur. Copy of the cheque is also enclosed. Respondent No.3 has also sent a letter dated 9th December, 2019 and a reminder letter dated 9th March, 2020 to Shri KS Dhruw, Chief Engineer, Mahanadi Project, Water Resources Division, Shankar Nagar Chowk, Raipur, but the said officer did not respond. So the controversy remains undecided, as the payment has not been made.

5. I have heard learned counsel for the parties at length and perused the documents annexed with the writ petition with utmost circumspection.

6. In the case at hand, respondent No.2 has given information to respondent No.3 that in the GPF account of the petitioner no withdrawal of Rs.95,000/- has been made in the month of September, 2004, however, respondent No.3 has taken a specific stand that vide voucher No.103, the said withdrawal has been made and the cheque No.363398, net amount of Rs.7,15,000/- dated 24th September, 2004, through Treasury, Raipur has been drawn by the DDO RAC WRD 007, Executive Engineer, Water Management Division-01, Raipur. Respondent No.3 has also made correspondences to the State authorities, but despite receipt of letter/s, Shri KS Dhruw, the then Chief Engineer has not paid any heed nor responded to such serious issue.

7. In the circumstances, this Court deems it apposite that a proper enquiry should be made about the details provided by respondent No.3 concerning the cheque amount of Rs.7,15,000/- wherein a withdrawal of Rs.95,000/- has also been included or not. The petitioner shall submit an affidavit to respondent No.2 to the effect that he has never applied for the part final of Rs.95,000/- and no such money has been transferred in his account. The said affidavit be taken into consideration in the aforesaid enquiry. Ordered accordingly.

8. In view of the above, Secretary of the concerned Department is directed to constitute two members Committee to conduct an enquiry in this regard within a period of 120 days from the date of receipt of a copy of this order, to verify the fact whether the petitioner has made any withdrawal of Rs.95,000/- in the year 2004 from his GPF account and the same may also be counter-verified from the records available with the office of Accountant General. If the authorities reach to the conclusion that the petitioner has not made any such withdrawal, the GPF amount payable to the petitioner should be settled within a further period of 90 days. Respondent No.2 is further directed to ensure that subject to the findings of the enquiry, 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 be taken by immediately lodging an FIR against the erring officials or employees, as the case may be.

9. With the aforesaid direction, the Writ Petition is disposed of.