

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 22ND DAY OF SEPTEMBER 2015/31ST BHADRA, 1937

WP(C).No. 17097 of 2015 (J)

PETITIONER:

**JINU K.G., AGED 29 YEARS
HIGH SCHOOL ASSISTANT (PHYSICAL SCIENCE)
TMV HIGHER SECONDARY SCHOOL
PERUMPILAVU, THRISSUR DISTRICT.**

**BY ADVS.SRI.K.B.GANGESH
SMT.ATHIRA A.MENON**

RESPONDENTS:

- 1. STATE OF KERALA
REPRESENTED BY ITS SECRETARY
DEPARTMENT OF GENERAL EDUCATION, SECRETARIAT
THIRUVANANTHAPURAM - 695 001.**
- 2. DIRECTOR OF PUBLIC INSTRUCTIONS
OFFICE OF THE DIRECTOR OF PUBLIC INSTRUCTIONS
VIDHYABYASA BHAVAN, THIRUVANATHAPURAM- 695 001.**
- 3. THE ACCOUNTS OFFICER (PF)
GENERAL EDUCATION DIRECTORATE
THIRUVANANTHAPURAM - 695 001.**
- 4. ASSISTANT PROVIDENT FUND OFFICER
OFFICE OF THE DEPUTY DIRECTOR OF EDUCATION,
COLLECTORATE, THRISSUR - 680 003.**
- 5. THE DISTRICT EDUCATIONAL OFFICER
OFFICE OF THE DISTRICT EDUCATION OFFICE
THRISSUR-680 001.**
- 6. THE HEAD MISTRESS
TMV HIGHER SECONDARY SCHOOL, PERUMPILAVU
THRISSUR DISTRICT - 680 519.**

BY GOVERNMENT PLEADER SMT. A LOWSY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS :-

- EXHIBIT P1 : COPY OF LETTER DATED 15.10.2014 ISSUED BY THE 4TH RESPONDENT
- EXHIBIT P2 : COPY OF THE REPLY PREFERRED BY THE PETITIONER TO EXT.P1
- EXHIBIT P3 : COPY OF THE LETTER DATED 25.10.2014 PREFERRED BY THE HEADMISTRESSES AND CLERK OF THE SCHOOL TO THE 4TH RESPONDENT
- EXHIBIT P4 : COPY OF THE LETTER DATED 11.11.2014 ISSUED BY THE 4TH RESPONDENT TO THE HEADMISTRESS OF TMV HSS, PERUMPILAVU
- EXHIBIT P5 : COPY OF REPLY DATED 25.11.2014 PREFERRED BY THE HEADMISTRESS TO EXT.P4
- EXHIBIT P6 : COPY OF REPLY DATED 21.11.2014 PREFERRED BY THE CLERK TO EXT.P4
- EXHIBIT P7 : COPY OF THE LETTER DATED 11.12.2014 PREFERRED BY THE 4TH RESPONDENT TO THE 3RD RESPONDENT
- EXHIBIT P8 : COPY OF LETTER DATED 14.01.2015 ISSUED BY THE 3RD RESPONDENT
- EXHIBIT P9 : COPY OF THE REPLY DATED 10.02.2015 PREFERRED BY THE PETITIONER TO EXT.P8
- EXHIBIT P10 : COPY OF THE LETTER DATED 16.03.2015 ISSUED BY THE OFFICE OF THE 2ND RESPONDENT TO THE MANAGER OF TMV HSS, PERUMPILAVU
- EXHIBIT P11 : A STATEMENT DETAILING THE AMOUNTS DEDUCTED FROM THE MONTHLY SALARY OF THE PETITIONER FROM JULY 2008 ONWARDS TOWARDS CONTRIBUTION TO PROVIDENT FUND ACCOUNT

RESPONDENTS' EXHIBITS:- NIL

//TRUE COPY//

P.A. TO JUDGE

K. VINOD CHANDRAN, J.

W.P(C). No.17097 of 2015

Dated this the 22nd day of September, 2015.

JUDGMENT

The petitioner, a teacher, who had contributed to the Provident Fund, applicable to Aided School Teachers, is before this Court contending that the amounts deducted from her salary has not been credited to a proper Account, opened in her name.

2. The petitioner admittedly was appointed as UPSA on 04.06.2007 and she was promoted as an HSA on 03.06.2013. There is no dispute that the petitioner's salary was being deducted of the Provident Fund amounts, by the 6th respondent and credited to the 4th respondent. However, later on by Ext.P4, the Assistant Provident Fund Officer found that, there is no Account created in the name of the petitioner and the remittances, after deducting the salary of the petitioner, has been made to various Accounts with fictitious Account Numbers.

3. Pursuant no Ext.P1, it is submitted that disciplinary proceedings have been initiated against the 6th respondent as also the Office Clerk, in the Aided School for the actions and omissions. The same is pending before the appropriate authorities.

4. In fact, the Account in the name of the petitioner was created after the 4th respondent requested the 3rd respondent for creating an Account in the name of the petitioner, as per Ext.P7. Though the petitioner's Account has now been created, no remittances are made to the said Account, is the plea now raised.

5. The learned Government Pleader has filed a statement, in which it is submitted that the amounts deducted from the petitioner is available with the 4th respondent and is kept with the State Exchequer. But for two remittances of Rs.60,000/- and Rs.5,000/- having been made in the name of Smt.N.N. Sindhu, MMSUPS Kandanasery and Smt.Lizzey Samuel, C.S.I., Kunnamkulam, respectively, all the other amounts were remitted to fictitious Accounts. The learned Government Pleader also submits that, the details of the said Accounts are necessary for

the further proceedings in the Vigilance enquiry initiated against the 6th respondent. However, that is no reason to delay the transfer of the amounts already deducted from the petitioner's salary, to the Account created in the name of the petitioner. For the purpose of the disciplinary enquiry and the Vigilance enquiry, necessarily the records alone showing the remittances would be necessary.

In such circumstances, there shall be a direction to the 4th respondent to transfer the entire amounts deducted from the salary of the petitioner to the petitioner's Provident Fund Account, along with the interest due, within a period of six months from the date of receipt of a copy of this judgment.

The writ petition is disposed of.

Sd/-

**K. VINOD CHANDRAN,
JUDGE**

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P.A. to Judge