

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.20704 of 2015

1.M.Kaveri
2.V.Thirupathi
3.S.Natarajan

... Petitioners

-Versus-

- 1 The Principal Accountant
General (A&E) 361 Anna Salai Chennai-18.
- 2 The Assistant Elementary
Educational Officer Kaveripattinam Union
Krishnagiri District.
- 3 The Deputy Director of
Internal Audit and Local Fund Audit Officer
Railway Station Road Dharmapuri District. ...Respondents

Writ Petition filed under Article 226 of the Constitution of India for the relief of issuance of Writ of Mandamus, directing the respondents to disburse 10% of Provident Fund Arrears together with interest at the rate of 18% p.a. On the belated disbursement of arrears as per G.O.(1D) No.159, School Education/EE3/Department, dated 31.05.2013.

For petitioner : Mr.R.Sreedharan

For Respondents : Mr.V.Vijay Shankar for R1
Mrs.M.E.Rani Selvam,AGP for R2 & R3

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ORDER

The petitioners were all working as Asst. Teacher, Office Assistant and Headmaster respectively in the Office of the 2nd respondent. They retired from service on attaining the age of superannuation on 30.06.2002, 31.05.2002 and 30.06.2004 respectively. The grievance of the petitioners is that they were not settled with the GPF in its entirety and they were paid only 90% of the GPF and the remaining 10% of the same are yet to be settled to them though they retired from service long back. According to the petitioner, they are entitled for the remaining GPF amount with interest thereon as per rules, but, despite their representation to the respondents, there has been no response. Hence, they are now before this court with this writ petition seeking for an appropriate direction to the respondents.

2. I have heard Mr.R.Sreedharan, the learned counsel for the petitioner and Mr.V.Vijaya Shankar, the learned counsel who takes notice for the 1st respondent and Mrs.M.E.Rani Selvam, the learned Additional Government Pleader, who takes notice for the respondents 2 and 3 and also perused the records carefully.

3. It is admitted that the petitioners retired from the office of the 2nd respondent long back and their entitlement to the remaining part of General Provident Fund has not been disputed by the respondents. Earlier, in similar facts and circumstances, this court passed an order dated 06.01.2012 in W.P.No.10595 of 2009 and pursuant to the order of this court the Government has also issued G.O.(1D) No.159, School Education/EE3/Department, dated 31.05.2013.

4. Considering the submissions made on either side and the facts and circumstances of the case, this court, directs the 2nd respondent to pass appropriate orders granting the remaining 10% of GPF, if already not paid, to the petitioners with interest thereon as provided under the Rules within a period of four weeks from the date of receipt of a copy of this order. This writ petition is, accordingly, disposed of. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

kmk

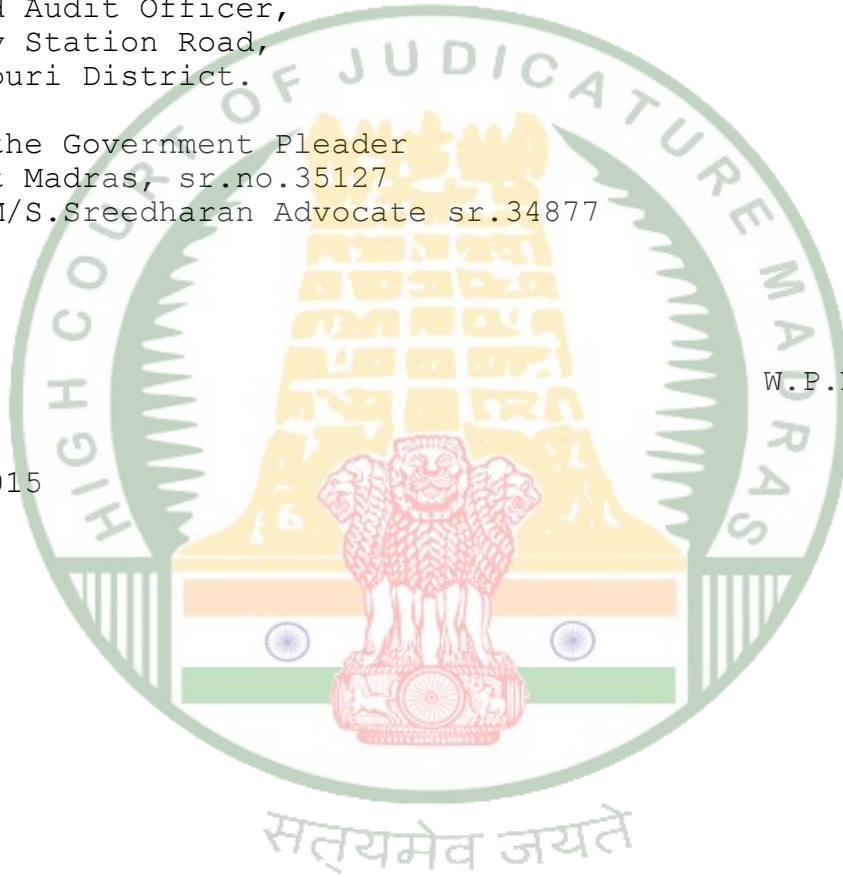
To

- 1.The Principal Accountant General (A&E)
361, Anna Salai,
Chennai 600 018.
- 2.The Assistant Elementary Educational Officer,
Kaveripattinam Union,
Krishnagiri District.
- 3.The Deputy Director of Internal Audi & Local
Fund Audit Officer,
Railway Station Road,
Dharmapuri District.

+1 cc to the Government Pleader
High court Madras, sr.no.35127
+1 cc to M/S.Sreedharan Advocate sr.34877

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