

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.21219 of 2015

V.Subbulakshmi

.. PETITIONER

Vs

1. The Government of Tamil Nadu
rep. by the Secretary to Government,
School Education Department,
Fort St. George,
Chennai-600 009.
2. The Director of School Education,
College Road, Chennai-6.
3. The Director of Elementary Education,
College Road, Chennai-6.
4. The Commissioner,
Coimbatore Corporation,
Coimbatore-641 001.
5. The Educational Officer,
Coimbatore Corporation,
Coimbatore.

.. RESPONDENTS

Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, directing the respondents to disburse the amount of Provident Fund due to the petitioner with interest at 12% per annum for the period from 31.07.2002 till the actual payment.

For petitioner : Mr.R.Saseetharan
For Respondents : Mr.S.Gunasekaran,
Government Advocate

O R D E R

The petitioner was initially appointed as Teacher in Tailoring in Madukarai Panchayat Union, Coimbatore District on 15.06.1972.

2. While so, she was transferred from Panchayat Union Middle School, Madukarai Panchayat Union to Corporation High School, Anuparpalayam under the 4th respondent in 1997.

3. The petitioner retired from service on 31.07.2002 on reaching the age of superannuation. The petitioner was paid all the terminal benefits, but, he is yet to be settled with the Teachers Provident Fund.

4. According to the petitioner, since she came from Panchayat Union to Corporation, the amount was remitted under the wrong head.

5. If the provident fund is not settled for the past 12 years, such an action of the respondents is deplorable. The non-payment of Provident Fund, which is a terminal benefit, amounts to violation of Article 21 of the Constitution of India.

6. In these circumstances, a direction is issued to the 4th respondent to pay the provident fund along with interest as per Rule 13(4) of the Provident Fund Rules, to the petitioner, within a period of eight weeks from the date of receipt of a copy of this Order, if the amount is not yet settled.

7. With the above direction, the Writ Petition is disposed of. No costs.

tsi

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Secretary to Government,
Government of Tamil Nadu,
School Education Department,
Fort St. George,
Chennai-600 009.
2. The Director of School Education,
College Road, Chennai-6.
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4. The Commissioner,
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Coimbatore-641 001.

5. The Educational Officer,
Coimbatore Corporation,
Coimbatore.

+ 1 cc to Mr.R.Saseetharan, Advocate SR 36279

+ 1 cc to Govt.Pleader SR 36038

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