

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-08-2015

CORAM:

THE HON'BLE MR. JUSTICE M.SATHYANARAYANAN

W.P.Nos.23666 to 23668 of 2015

1 R.Krishnamoorhti
Petitioner in

1 M. Aleem Sahib

1 J. Krishnan

W.P.No.23666/2015
Petitioner in
W.P.No.23667/2015
Petitioner in
W.P.No.23668/2015

Vs

1.The State of Tamil Nadu
Rep by Secretary to Govt
Educational Dept
Secretariat
Chennai - 09

2.The District Elementary Educational Officer
Krishnagiri Dt
Krishnagiri

3.The Assistant Elementary Educational Officer
Kaveripattinam Po
Krishnagiri Dt

4.The Deputy Director of Internal Audit
Local Fund Audit Officer
Railway Station Road,
Dharmapuri Dt.

5.The Director of Elementary Education
DP.I. Compound College Road
Chennai - 06

Respondents in all
the writ petitions

Writ Petitions under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents herein to pay the balance Provident Fund amount along with Fifth Pay Commission arrears

and Dearness allowances arrears along with 12% interest on the delayed payment to the petitioner herein

For petitioners : Mr. M. Ravi
For respondent : Mr. V. Subbiah, Spl.G.P.

COMMON ORDER

By consent, all the main writ petitions are taken up for final hearing.

2. The petitioners, who retired as Assistant Teacher, Headmaster and Assistant Teacher of Panchayat Union School respectively came forward to file these writ petitions stating among other things, that though 90% of their Provident Fund has been settled, the balance of 10% is yet to be paid and apart from the same, they are also entitled to arrears on account of the Fifth Pay Commission Report from the Dearness Allowances payable from 01-01-1999 till the date of their retirement and in this regard, they have also submitted a representation, dated 10-06-2015 and since no orders have been passed came forward to file the present writ petitions.

3. The petitioner in W.P.No.23666 of 2015 is a Retired Assistant Teacher and the petitioner in W.P.No.23667 of 2015 is a Retired Headmaster and the petitioner in W.P.No.23668 of 2015 is a Retired Assistant Teacher.

3(i) The learned counsel for the petitioners would submit that in similar circumstances this Court vide order, dated 06-01-2012 held in W.P.No. 10595 of 2009 has directed the official respondents to settle the Provident Fund payable to the petitioners along with Dearness Allowance and also the Fifth Pay Commission arrears, if any within a period of eight weeks from the date of receipt of a copy of this order by applying the relevant G.O. It is the submission of the learned counsel for the petitioners that the said order has also been complied with by applying G.O.(1D) No.159, School Education Department dated 31-05-2013.

4. Heard the submissions of Mr. V. Subbiah, learned Special Government Pleader appearing on behalf of the respondents.

5. Though the petitioners prayed for a larger relief, this Court in the light of the facts and circumstances, directs the first respondent to consider and dispose of the petitioners' representation, dated 10-06-2015, on merits and in accordance with law after taking into consideration the G.O.(1D) No.159, School Education Department dated 31-05-2013 and G.O.(1D)No.258, Education Department dated 23-07-2015 within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the respective writ petitioners.

6. The writ petitions are disposed of, accordingly. No costs.

-Sd/-

Assistant Registrar(cs-II)

//True copy//

Sub Assistant Registrar

glp

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+1 cc to Government Pleader High Court Madras (Sr.40424)
+3 cc to Mr.M.Ravi, Advocate (40259)

W.P.Nos.23666 to 23668 of 2015

ppa (co)
cp 27.08.2015