

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-08-2015

CORAM:

THE HON'BLE MR. JUSTICE M.SATHYANARAYANAN

W.P.Nos.23700 & 23701 of 2015

Kalpana V.M.C. ...Petitioner in W.P.No.23700/2015

K. Valli @ K. Valliammal ...Petitioner in. W.P.No.23701/2015

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 Assist Elementary Educational Officer
averipattinam Po
Krishnagiri Dt
- 4 The Deputy Director of Internal Audit
Local Fund Audit Office
Railway Station Road, Dharmapuri Dt
- 5 The Director of Elementary Education
DP.I. Compound College Road
Chennai - 06

...Respondents in both
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 amounts along with Fifth Pay Commission arrears and dearness allowance arrears along with 12% interest on the delayed payment due to the petitioners mother & Husband who retired

on 30/8/02 & 30.06.2004 and died on 05/07/2009 & 10.03.2012 respectively

For petitioner : Mr. M. Ravi

For respondent : Mr. S. Gunasekaran, G.A.

ORDER

By consent, the main writ petition is taken up for final hearing.

2. The petitioners, who retired as Secondary Grade Teacher and Office Assistant of Panchayat Union Primary and Middle Schools, respectively came forward to file this writ petition stating among other things, to pay the balance Provident Fund amount and apart from the same, he is 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 his retirement and in this regard, he has also submitted a representation, dated 10-06-2015 and since no orders have been passed came forward to file the present writ petition.

3. 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 petitioner 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. S. Gunasekaran, learned Government Advocate 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. These writ petitions are disposed of, accordingly. No costs.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

glp

To

- 1 The Secretary to Govt
Educational Dept
Secretariat
Chennai - 09
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Krishnagiri Dt
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2 CC to M.Ravi, Advocate SR.No. 40258

1 CC to the Government Pleader, SR.No. 40400

W.P.Nos.23700 & 23701 of 2015

SKV (CO)
PSI (26.08.2015)