

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.39449 of 2016

P.Dakshinamoorthi

... Petitioner

Vs

1 Government of Tamil Nadu
Rep by Secretary to Government School
Education Department Secretariat Chennai-
600 009

2 The District Elementary
Educational Officer Ariyalur

3 The District Elementary
Educational Officer Villupuram

4 The Assistant Elementary
Educational Officer Sendurai Ariyalur
District

5 The Assistant Elementary
Education Officer Thirumanur Ariyalur
District

6 The Assistant Elementary
Educational Officer Kallakurichi
Villupuram District- 606 202

7 The Assistant Elementary
Educational Officer Thanjavur Rural
Thanjavur

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus to direct the 1st and 2nd respondent to consider and pass orders and petition representation dated 28.3.2016 regarding claim of the petitioner for final settlement of TPF Account NO.599219 and disburse the Amount with in a time frame with interest from the date it became due till the date of actual disbursement consequent on his retirement from service on 30.6.2008 AN.

For Petitioner : Mr.V.Thirupathi
For Respondents : Mr.O.R.Mahesvaren,
Govt. Advocate, (Edn.)

ORDER

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

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondents 1 and 2 to consider and pass orders on the petitioner's representation dated 28.3.2016 regarding his claim for final settlement of TPF Account No.599219 and disburse the amount within a time frame with interest from the date it became due till the date of actual disbursement consequent on his retirement from service on 30.6.2008 AN.

3. It is the case of the petitioner that he was initially appointed as Secondary Grade teacher on 3.2.1974 and after serving in various place, he retired from service on 30.6.2008 on attaining the age of superannuation. Thereafter, he was on re-employment from 1.7.2008 to 31.5.2009 and relieved from service on 31.5.2009. During service, he joined in the Teachers' Provident Fund Account (TPF No.599219) and subscription was being recovered from his monthly pay. Though he retired from service on 30.6.2008, the accumulation in his Teachers' Provident Fund account has not been disbursed to him. He served as Additional Assistant Elementary Educational Officer, Sendurai, Ariyalur District from 28.12.1999 to 8.8.2002 and as Assistant Elementary Educational Officer, Thirumanur, Ariyalur District from 8.8.2002 to 11.4.2003 and as Assistant Elementary Educational Officer, Kallakurichi, Villupuram District, from 30.11.2005 to 12.3.2007. In this regard, he submitted a representation dated 20.12.2013 to the concerned authorities, but, his TPF account has not been finally settled. Finally, he sent a representation dated 28.3.2016 to the respondents seeking settlement of TPF Account. Since the same was also not considered, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioner and the learned Government Advocate, who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim projected by the petitioner, this Court directs the first respondent to consider the representation of the petitioner dated 28.3.2016 seeking settlement of TPF Account No.599219 and pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

sbi

Sd/-
Assistant Registrar (CS VI)

/TRUE COPY/

Sub-Assistant Registrar

To

- 1 The Secretary to Government
Government of Tamil Nadu
School Education Department
Secretariat Chennai- 600 009
- 2 The District Elementary
Educational Officer Ariyalur
- 3 The District Elementary
Educational Officer Villupuram
- 4 The Assistant Elementary
Educational Officer Sendurai Ariyalur
District
- 5 The Assistant Elementary
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Educational Officer Kallakurichi
Villupuram District- 606 202

7 The Assistant Elementary
Educational Officer Thanjavur Rural
Thanjavur

+1CC to MR.V.THIRUPATHI Advocate SR.NO.65793
+1CC to GOVT. PLEADER SR.NO.65476

W.P.No.39449 of 2016

RP[CO]
MK:28/12/2016



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