

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2016

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.40083 of 2016

K.A.Subramani

... Petitioner

vs.

1. The Principal Accountant - General (A & E)
Tamil Nadu, Chennai 600 018.
 2. The Assistant Elementary Educational Officer,
Kaveripattinam,
Krishnagiri District - 635 112.
 3. The Assistant Director,
Internal Audit, Education Department,
Dharmapuri.
 4. The Assistant Director,
Internal Audit, Education Department,
Krishnagiri.
- ... Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of mandamus directing the respondents 1 and 2 to disburse within a limited time, (i) the amount standing to the credit of petitioner in his Provident Fund Account No.588047, (ii) Encashment of Leave benefits and (iii) arrears of pay on the recommendations of Pay Commission and disburse all with interest for the delayed payment.

For Petitioner : Mr.M.Ravi
For R2 to R4 : Mr.V.Anandhamoorthy,
Additional Government Pleader
(Education) FOR R2 to R4

O R D E R

The petitioner has come up with this Writ Petition seeking a direction to the respondents 1 and 2 to disburse within a limited time, (i) the amount standing to his credit in his Provident Fund Account No.588047, (ii) Encashment of Leave benefits and (iii) arrears of pay on the recommendations of Pay Commission and disburse all with interest for the delayed payment.

2. According to the petitioner, he was initially appointed as Secondary Grade Teacher in Kaveripattinam Panchayat Union, Krishnagiri District on 01.02.1982 and was later on promoted as Elementary School Head Master. While serving as Head Master, Panchayat Union Elementary School, Bannihallipudur, Kaveripattinam Union, Krishnagiri District, disciplinary proceedings was initiated against him under Rule 17(b) of the Tamil Nadu Civil Services (D & A) Rules by the District Elementary Educational Officer, Krishnagiri in Pro.Na.Ka.No.2999/A3/2002, dated 15.03.2006, which ultimately culminated in the order of his dismissal passed by the District Elementary Educational Officer, Krishnagiri, vide proceedings in Pro.Na.Ka.No.2999/A3/2002, dated 29.11.2007.

3. It is the case of the petitioner that though he is not entitled to pensionary benefits on account of his dismissal from service, he is entitled to payment of the accumulated amount in his Teachers Provident Fund Account (No.588047) with interest and also Encashment of Leave benefits as also arrears of pay and Dearness Allowance due to fixation of pay consequent on the recommendations of the Pay Commission. Hence, the petitioner made a representation dated 12.01.2016 to the Assistant Elementary Educational Officer, Kaveripattinam, who is the Drawing Officer, to disburse the benefits due to him.

4. It is the further case of the petitioner that the Principal Accountant General (A & E), Tamil Nadu, Chennai, by a letter dated 02.04.2014, authorised disbursement of P.F. Amount of Rs.83,028/- to a similarly placed person viz. K.Kulandai, Record Clerk, under the control and supervision of A.E.E.O., Kaveripattinam, who was dismissed from service in the year 2006. Finding no response on his representation dated 12.01.2016, the petitioner made a further representation dated 10.08.2016 to the respondents to disburse the GPF amount and other benefits due to him. Since there is no response, having no other alternative, the petitioner has approached this Court by way of the present Writ Petition.

5. Heard the learned counsel on either side and perused the material documents available on record.

6. When the matter is taken up for consideration, learned counsel for the petitioner submitted that the respondents may be directed to consider the petitioner's representation and pass appropriate orders with regard to disbursement of his pensionary benefits and arrears of salary, within a stipulated time.

7. In an identical situation, this Court, by an order dated 27.09.2016 in W.P.No.25107 of 2016 (P.M.Sivashanmugam vs. The Superintending Engineer, Chennai Electricity Distribution Circle West) directed the respondents to disburse the General Provident Fund, Special Provident Fund and Earned Leave Encashment to the petitioner irrespective of removal of the petitioner from TANGEDCO, within a period of six weeks from the date of receipt of a copy of the order, in the light of the order dated 08.06.2015 made in W.P.No.16099 of 2015.

8. In view of the above, without expressing any opinion on the merits of the case, respondents 1 and 2 are directed to consider the petitioner's representation dated 10.08.2016 seeking disbursement of (i) the amount standing to the credit of his Provident Fund Account No.588047, (ii) Encashment of leave benefits and (iii) arrears of pay on the recommendations of Pay Commission with interest for the delayed payment on merits and in accordance with law and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

aeb

To:

1. The Principal Accountant - General (A & E)
Tamil Nadu, Chennai 600 018.
2. The Assistant Elementary Educational Officer,
Kaveripattinam,
Krishnagiri District - 635 112.
3. The Assistant Director,

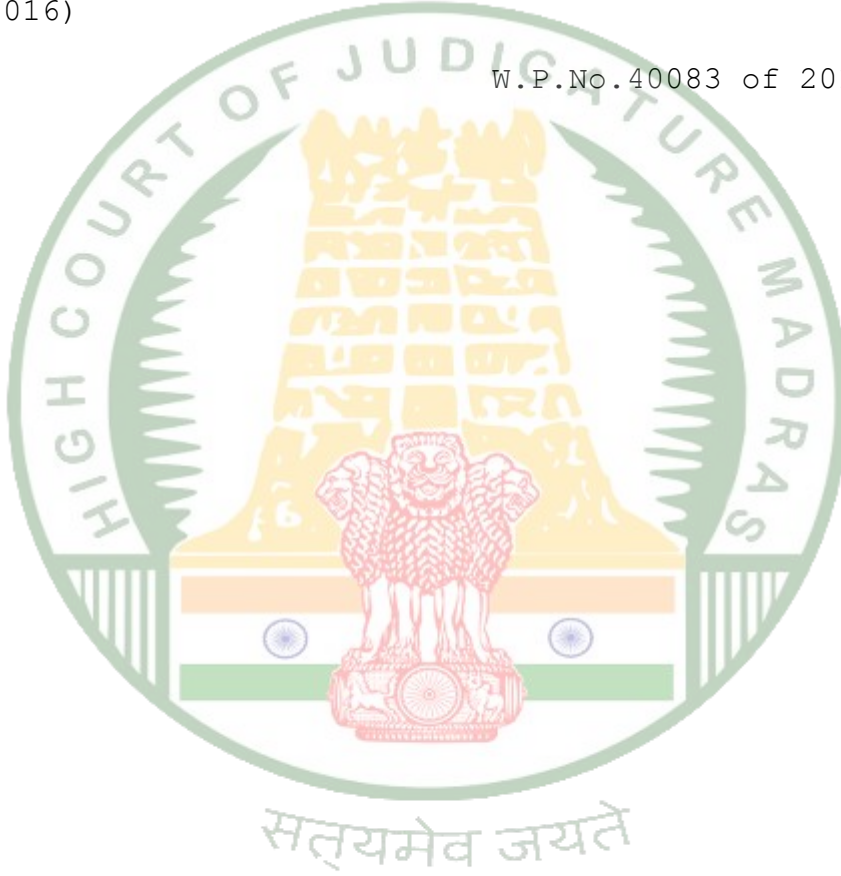
Internal Audit, Education Department,
Dharmapuri.

4. The Assistant Director,
Internal Audit, Education Department,
Krishnagiri.

+lcc to Mr.M. Ravi, Advocate, S.R.No.69403
+lcc to the Government Pleader, S.R.No.69627

nri (CO)
md(29/12/2016)

W.P.No.40083 of 2016



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