



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.11.2016

CORAM:

THE HON'BLE Dr.JUSTICE S.VIMALA

W.P(MD)No.21978 of 2016

and W.M.P. (MD) No.15708 of 2016

D.Sornammal

..Petitioner

-vs-

1.The State of Tamil Nadu,
rep.by its Secretary,
Department of School Education,
Fort St.George,
Chennai - 600 009.

2.The Director of Elementary Education,
College Road,
Chennai - 600 006.

3.The District Elementary Educational Officer,
Madurai, Madurai District

4.The District Elementary Educational Officer,
Tuticorin, Tuticorin District

5. The District Elementary Educational Officer,
Tirunelveli Tirunelveli District

6. The Assistant Elementary Educational Officer,
Nanguneri, Tirunelveli District

7.The Headmaster,
Panchayat Union Primary School,
Moolakaraipattai, Nanguneri Union,
Tirunelveli District

..Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to sanction and disburse interest to the petitioner from 01.06.2005 to 16.02.2015 for belated payment of arrears towards the Teachers Special Provident Fund bearing Account No.566394.

For Petitioner

: Mr.S.Xavier Rajini

For Respondents

: Mr.M.Murugan

Government Advocate

ORDER

This Writ of Mandamus has been filed by the petitioner, directing the respondents to sanction and disburse interest to the petitioner from 01.06.2005 to 16.02.2015 for belated payment of arrears towards the Teachers Special Provident Fund.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate who takes notice for the respondents. By consent the writ petition itself is taken up for final disposal at the admission stage.

3. The petitioner has initially joined as Secondary Grade Teacher in the Panchayat Union Primary School, Chithoor, Kalikudi Union, Madurai District, on 01.06.1988. The petitioner attained superannuation from the seventh respondent school on 31.05.2005. As per the policy in Teachers Special Provident Fund (TPF), the respondents have to deduct the subscription every month from the salary of teachers towards Teachers Special Provident Fund, and the respondents have to give the same to the teachers including interest at the time of their retirement. Accordingly, the respondents have deducted subscription from the salary and credited in the relevant account. At the time of petitioner's retirement, the respondents have disbursed all the retirement benefits except the said fund. In view of her repeated representations to the respondents, the respondents have disbursed a sum of Rs.1,02,974/- towards the arrears of the said Fund on 16.02.2015, i.e., after 9 years and 9 months from the date of retirement of the petitioner, after calculating interest only upto the period of 31.05.2005.

4. According to the petitioner, the respondents have not calculated interest for the above said amount for the period from 01.06.2005 to 16.02.2015. In view of the delay in payment, the respondents are bound to give interest to the petitioner and the petitioner is legally entitled to get for the said period. Hence, the petitioner submitted representations to the respondents on 16.03.2015, 17.09.2015, 25.11.2015, 10.03.2016 and 16.06.2016, through posts, requesting to give interest from 01.06.2005 to 16.02.2015 for belated payment of the Teachers Special Provident Fund. Since no orders have been passed by the respondents, the petitioner has filed this writ petition, praying for the aforesaid stated relief.

5. The Hon'ble Supreme Court, time and again, has repeatedly emphasized the position that the retirement benefits are no longer matters of bounty to be distributed by the Government, but are valuable rights acquired and any delay in service benefits should be viewed seriously and dealt with severally by imposing penalty in the form of payment of interest.



6. In that view of the matter, the respondents are hereby directed to dispose of the representations submitted by the petitioner, 16.03.2015, 17.09.2015, 25.11.2015, 10.03.2016 and 16.06.2016 and to sanction and disburse interest to the petitioner from 01.06.2005 to 16.02.2015 for belated payment of arrears towards the Teachers Special Provident Fund bearing Account No.566394, if she is otherwise found eligible, within a period of four weeks from the date of receipt of a copy of this order.

7. With the above directions, this writ petition stands disposed of. No costs. Consequently, the connected WMP is closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS)

To

- 1.The Secretary, State of Tamil Nadu,
Department of School Education,
Fort St.George, Chennai - 600 009.
- 2.The Director of Elementary Education,
College Road,
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- 3.The District Elementary Educational Officer,
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- 4.The District Elementary Educational Officer,
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6. The Assistant Elementary Educational Officer,
Nanguneri, Tirunelveli District
- 7.The Headmaster,
Panchayat Union Primary School,
Moolakaraipattai, Nanguneri Union,
Tirunelveli District.

+1cc to M/s.S.Xavier Rajini, Advocate in SR.70491

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