

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2017

CORAM :

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No.16513 of 2011

Rakini Mary

..Petitioner

Vs.

1. The Secretary to Government
Education Department
Fort St. George
Chennai - 600 009.
2. The District Educational Officer
Vellore Fort Round
Vellore 1.
3. The Chief Educational Officer
III Floor, Collectorate
Sathuvacherry
Vellore.
4. The Head Master
Government Girls Higher
Secondary School
Polur, Tiruvannamalai District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents to settle the petitioner's Provident Fund, Gratuity and other terminal benefits on the basis of her representations dated 22.02.2010 and 15.03.2010 and pass further orders.

For Petitioner : Mr. K.L.Sekar

For Respondents : Mr. S. Diwakar,
Spl. Govt. Pleader

O R D E R

The petitioner has filed the present writ petition, seeking to direct the respondents to settle her Provident Fund, Gratuity and other terminal benefits on the basis of her representations dated 22.02.2010 and 15.03.2010.

2. Learned counsel for the petitioner submitted that initially, the petitioner joined as a Teacher in St. Joseph Girls Higher Secondary School, Arni. Subsequently, she joined as a Secondary Grade Teacher in St. Marys Girls Higher Secondary. While she was working so, the School sent her to YMCA to undergo physical education course. On completion of her course, she was appointed as a Physical Education Teacher in the same school. Later, the petitioner joined in the 4th respondent school, in the same capacity. Learned counsel for the petitioner further submitted that while the petitioner was working in the 4th respondent school, she fell ill and so went on leave. She was insisted to give her resignation letter, along with the leave letter. It is submitted that the 4th respondent had forwarded her resignation letter to the 3rd respondent and based on that, she was relieved from service of the 4th respondent school. Hence, the petitioner approached the 2nd, 3rd and 4th respondents, seeking to settle her Provident Fund, Gratuity and other terminal benefits, considering her 16 years of service and submitted representations in this regard. Due to the inaction on the part of the respondents, the petitioner has approached this Court, by filing this writ petition.

3. Learned Special Government Pleader, representing the respondents 1 to 3 submitted that the petitioner has not submitted her claim for Provident fund in the prescribed forms, as per GPF rules. In paragraph 6 of the counter affidavit filed by the 3rd respondent, it is clearly stated that as per the Provident Fund Rules, applications for final withdrawals should be sent in the format prescribed in Appendix H of the Rules. The petitioner's representation dated 22.02.2010 is not in the prescribed form. If the petitioner submits her claim in the prescribed format, the respondents will forward the same to the concerned authorities. Learned counsel further stated that the petitioner is not eligible for the other terminal benefits, since she has resigned her services.

4. Learned counsel for the petitioner submitted that she is eligible for all the terminal benefits and prayed that if an opportunity is given, to her to submit a representation to the respondents, she will explain the authorities, the reasoning, on which she is entitled for getting the Gratuity and other terminal benefits.

5. Taking into consideration the aforesaid submission of the parties, to meet the ends of justice, I am passing the following order :-

1. The writ petitioner is directed to submit her application in the format, prescribed as per the General Provident Fund Rules, to claim the provident fund, to the 3rd respondent, the Chief Educational Officer.
2. On receipt of such application in the prescribed form, the 3rd respondent is directed to forward the same to the concerned authorities, in accordance with law.
3. So far as the other prayer for settlement of the Gratuity and other terminal benefits, liberty is granted to the petitioner to make further representation to the 3rd respondent.

4. On receipt of such an application, the 3rd respondent is directed to pass orders on merits, in accordance with law, as expeditiously as possible, not later than 12 weeks from the date of receipt of the said representation.

6. The writ petition is disposed of, on the above terms. No costs.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

avr

To

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+1cc to Mr.K.L.Sekar, Advocate for the petitioner sr.5095

+1cc to Government Pleader sr.5951

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kj(co)
ss(10/4/2017)



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