

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 27.03.2018
CORAM
THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI
W.P.No.7301 of 2012

P.Chinnammal ... Petitioner

-Vs-

1. The Director of Elementary Education,
DPI Complex, Nungambakkam,
Chennai-600 006.
2. The District Elementary Educational Officer,
Dharmapuri-636 702
3. The Assistant Elementary Educational officer,
Santhaipettai,
Dharmapuri-636 702 ... Respondents

Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pay the Special Provident Fund as per the order of the 3rd respondent under the proceedings Na.Ka.No.1342/A1/2009 dated 08.08.2011 together with interest and the arrears of salary as per the V Pay Commission for the period from 01.06.1988 to 30.06.1989 together with interest to the petitioner within a time frame.

For Petitioner : Mr.G.Ilamurugu
For Respondents : Mr.P.Raja (R1 to R3)
Government Advocate (Education)

O R D E R

This Writ Petition has been filed seeking for a direction to the respondents to pay the Special Provident Fund as per the order of the 3rd respondent in proceedings Na.Ka.No.1342/A1/2009 dated 08.08.2011 together with interest and the arrears of salary as per the V Pay Commission for the period from 01.06.1988 to 30.06.1989 together with interest to the petitioner within a time frame.

2. Heard the learned counsel for the petitioner as well as learned Government Advocate appearing for the respondents 1 to 3.

3. The learned counsel for the petitioner has stated that the petitioner is a superannuated employee and he was entitled to revision of pay according to fifth pay commission report. It

is further stated that his revised salary for the period from 01.06.1988 to 30.06.1989 as per the V Pay Commission report was not paid to him. In the meantime, he was superannuated. However, the petitioner soon after Superannuation, made a representation to the second respondent through the third respondent on 03.05.2010 seeking to pay him the arrears of revised salary. But, the same has not been disposed of. Hence he has come to this Court seeking for the aforesaid relief.

4. In the counter affidavit filed by the second respondent, the aforesaid revised salary is not disputed and it is stated that the same is going to be paid within a month.

5. It is submitted by the Government Advocate appearing for the respondents that the respondents are going to pay the revised salary and as such the Writ Petition may be disposed of with a direction to pay the same within a period of three months.

6. However, it is not in dispute that in the year 2007, the aforesaid pay revision is made applicable to the petitioner and the petitioner has made a representation in this regard on 03.05.2010.

7. Considering the admission of the respondents regarding the entitlement of the petitioner and also fact that the petitioner has made a representation on 03.05.2010, this Court is of the view that the petitioner is entitled to payment of the same with reasonable interest for such delay payment within a reasonable period of his representation, the same was not released in his favour.

8. Accordingly, the respondents are directed to pay the arrears of revised salary for the period from 1.6.1988 to 30.06.1989 with interest @ 10% from January 2011, till the date of payment, within a period of two months from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(CCC)
//True Copy//
Sub Assistant Registrar

arr

To

1. The Director of Elementary Education,
DPI Complex, Nungambakkam,
Chennai-600 006.
2. The District Elementary Educational Officer,
Dharmapuri-636 702
3. The Assistant Elementary Educational officer,
Santhaipettai,
Dharmapuri-636 702

+1 cc to the Govt pleader sr 23952

+1 cc to Mr.G.Ilamurugan Advocate sr 24071

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