



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:03.12.2018

CORAM:

WEB COPY

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P. (MD) No.23879 of 2018

Thoothukudi Nagarachi Managarachi
Oyvoothiya Aluvalargal Sangam,
Reg. No.42/2018
211, pathirakali Amman Kovil Street,
Thoothukudi-628 002.
Represented by the Secretary,
M.Sudalai Muthu

... Petitioner

vs.

1. The Commissioner of Municipal Administration,
Chepauk, Chennai-600 005.
2. The Commissioner,
Thoothukudi City Municipal Corporation,
Thoothukudi, Thoothukudi District.

... Respondents

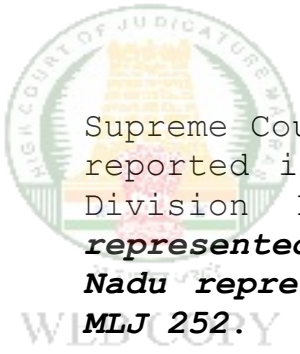
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Mandamus, to direct the second respondent to provide the arrears of interest for the subscription amount deducted from the salary of the employees of the Petitioner Association towards the General Provident Fund while in service along with Dearness Allowance Arrears and Vth Pay Commission Arrears and Revised pay Commission Arrears by considering the petitioner's representations dated 20.06.2018, 22.06.2018, 26.06.2018, 18.07.2018, 31.07.2018, 02.08.2018 and 06.08.2018 within the time stipulated by this Court.

For Petitioner	:	Mr.S.Louis
For R-1	:	Mr.C.Ramar, Additional Government Pleader.
For R-2	:	Mr.S.Saji Bino Standing Counsel

O R D E R

Heard the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the first respondent and the learned Standing Counsel appearing for the second respondent.

<https://hcservices.ecourts.gov.in/hcservices/> 2. The learned counsel for the second respondent has received a preliminary objection that the writ petition filed by an association is not maintainable in view of the judgment passed by the Hon'ble



Supreme Court in the case of **Vinoy Kumar Vs. State of U.P and others** reported in **(2001) 4 SCC 734** and also the judgment passed by the Division Bench of this Court in **Tamilaga Asiriyar Koottani represented by the General Secretary Vs. The Government of Tamil Nadu represented by its Secretary and others** reported in **(2005) 3 MLJ 252.**

3. De hors of the point raised regarding the maintainability, this Court finds the grievance of the petitioner's association is that the General Provident Fund amount has not been disbursed to their members who are pensioners. The representations and the last communication of the second respondent indicate that the arrears will be disbursed in two phase. The persons who were retired between the 1985 to 2006 will be paid in first phase and remaining members who were retired from 2006 onwards will be paid in second phase.

4. Due to the delay in calculating the interest portion, they are not able to disburse the money, is the reason stated in the communication of the second respondent dated 24.08.2018. Though the reason is not acceptable, but having waited for so long, if some time frame is fixed for the second respondent to disburse the money, it may be satisfied the members of the petitioner's association. Therefore, without going into the merits of the claim, if any GPF amount to be paid to the retired employee of the Thoothukudi Nagarachi Managarachi Oyvoothiya Aluvalargal Sangam, the GPF amount shall be paid not later than four months from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

1. The Commissioner of Municipal Administration,
Chepauk, Chennai-600 005.
2. The Commissioner,
Thoothukudi City Municipal Corporation,
Thoothukudi, Thoothukudi District.

- + 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 98255
- + 1 CC TO Mr.S.LOUIS, ADVOCATE IN SR No. 98548
- + 1 CC TO Mr.S.SAJI BINO, ADVOCATE IN SR No. 98341