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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.04.2019

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No.15686 of 2017

M. Karuppan ... Petitioner

Vs.

1.The Director of Local Fund Audit,
Combined Finance Department Complex,
4th Floor, Nandhanam,
Chennai – 600 035.

2.The Municipal Commissioner,
Periyakulam Municipality,
Theni District. ... Respondents

Prayer: 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 pay the entire amount mentioned in the petition, dated 21.04.2017 as per the calculation sheet with further interest at the rate of 12% p.a., till the date of disbursement.

For Petitioner : Mr.S.Suresh Kumar Isaac Paul

For R – 1 : Mr. V. Anand
Government Advocate

For R – 2 : Mr.M.Karuppasamy Pandian,
Government Advocate.

ORDER

This writ petition has been filed seeking issuance of a writ of Mandamus, to direct the respondents to pay the entire amount mentioned in the petition, dated 21.04.2017 as per the calculation sheet with further interest at the rate of 12% p.a., till the date of disbursement.

2. Heard Mr.S.Suresh Kumar Isaac Paul, learned counsel appearing for the petitioner; Mr. V. Anand, learned Government Advocate appearing for the first respondent and Mr.M.Karuppasamy Pandian, learned Government Advocate appearing for the second respondent.

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3. The grievance of the petitioner is that he worked as a Sanitary worker in the office of the second respondent Municipality and retired from service on 30.06.2001 on reaching the age of superannuation. Even though the first respondent had sanctioned the amount towards Provident Fund interest and 5th pay commission arrears and interest on 22.02.2016, the second respondent has not disbursed the same. Hence, the petitioner made a petition to the respondents on 21.04.2017 to pay the entire amount, as per the calculation sheet. Since the same has not been considered by the respondents so far, the petitioner has filed the present Writ Petition.

4. The second respondent filed a counter-affidavit, wherein at paragraph No.8, it is stated as follows:-

> *"8. It is further submitted that the total amount of Provident Fund interest of Rs.69,490/-, the amount of Rs.27,796/-, already has been paid to the petitioner and the balance amount of Rs.41,694/- will be paid shortly, the reason of the financial status of the respondent Municipality."*

5. The learned counsel appearing for the second respondent fairly submitted that the amount will be paid within a time specified by this Court, for which, the learned counsel appearing for the petitioner also agreed for the same.

6. In view of the above, having regard to the submissions made on either side and without going into the merits of the case, the amount as claimed by the petitioner be paid by the second respondent within a period of twelve weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Director of Local Fund Audit,
Combined Finance Department Complex,
4th Floor, Nandhanam,
Chennai - 600 035.

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2.The Municipal Commissioner,
Periyakulam Municipality,
Theni District.

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