



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

WP(MD)No.17621 of 2017

M.Ayyammal

... Petitioner

Vs.

1. The Accountant General (Accounts & Entitlements),
Tamil Nadu, 361, Anna Salai,
Chennai - 600 018.
 2. The Chief Educational Officer,
Tuticorin.
 3. The District Elementary Educational Officer,
Tuticorin.
 4. The Assistant Elementary Educational Officer,
Kaiyatharu, Tuticorin 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 calculate the interest for the amount of Rs.6,68,827/- from 21.12.2011 to November 2015 as per norms and disburse the same to the petitioner's G.P.F. Account No.168604 within a stipulated time as may be fixed by this Court.

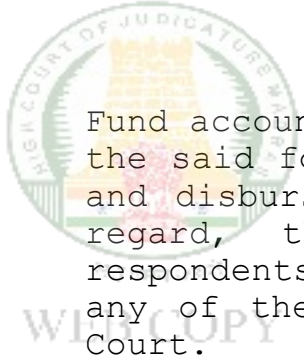
For Petitioner	: Mr.S.Saravanan
For R1	: Mr.P.Gunasekaran
For R2 to R4	: Mrs.S.Srimathy
	Special Government Pleader

ORDER

Seeking for a direction to the respondents to calculate interest for the amount of Rs.6,68,827/- from 21.12.2011 to November 2015 and to disburse the same to the petitioner's GPF account, the present petition has been filed.

2.Heard the learned Counsel appearing on both sides and perused the materials available on record.

3.The case of the petitioner is that for transferring the petitioner's Teacher Provident Fund account to General Provident



Fund account, the respondents took more than four years and even for the said four years, the respondents did not calculate any interest and disburse the same to the petitioner's G.P.F. account. In this regard, the petitioner made several representations to the respondents. However, there is no response from the respondents in any of the representations. Hence, the petitioner is before this Court.

4.The third respondent has filed a counter, the relevant portion of which read as follows:

"Wherein it has been clearly spelt out that interest has to be paid up to the date of leaving the primary section and not for the period leaving from primary section. So it is imperative that the teacher in question was paid interest, for the spell that she had been in primary education. There is no provision for awarding interest for the period from 21.12.2011 to November, 2015, as claimed by the individual.

She claims interest for the amount of Rs.6,68,227/-, that stood at the credit of TPF account and up to November,2015, when transfer account to GPF was materlaised. As per Government Order, there is no provision of paying interest, once, the teacher left the Panchayat Union Service. She left the Panchayat Union Service on 20.12.2011. So, the interest cannot be paid simply because the transfer of account materlaised in November,2015.

The copy of order R.C.No.2552/W/2015, dated 15.07.2016 had Government Department Audit Wing, Chennai-2, is appended herewith for perusal.

The order copy, R.C.No.1173/D1/2014, dated 03.2015, wherein the officer has ordered for the amount of credit for transfer from TPF to GPF.

So, as there is no provision of providing interest for the interregnum period, ie., from 21.12.2011 to November 2015 (as per rules in force), the request of the petitioner cannot be accepted and as such, her prayer may please be set aside."

5.The said stand taken by the third respondent is stoutly refuted by the learned Counsel for the petitioner, stating that the petitioner is entitled for interest.

6.Under such facts and circumstances of the case, this Court, without going into the merits of the case, directs the respondents to consider the representation of the petitioner, dated 01.08.2016, and pass appropriate orders, on merits and in accordance with law, after affording opportunity of hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.



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

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Accountant General (Accounts &Entitlements),
Tamil Nadu, 361, Anna Salai,
Chennai - 600 018.

2. The Chief Educational Officer,
Tuticorin.

3. The District Elementary Educational Officer,
Tuticorin.

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

+1 CC to SPECIAL GOVERNMENT PLEADER(SR-53942[F] dated 14/03/2019)

+1 CC to MR.S.SARAVANAN, Advocate (SR-54172[F] dated 14/03/2019)

+1 CC to MR.P.GUNASEKARAN, Advocate (SR-54492[F] dated 15/03/2019)

ORDER MADE IN
WP (MD) No.17621 of 2017
13.03.2019

cmr

AE (26.04.2019) 3P 8C