



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD)No.19183 of 2017

A.Vellaiammal

... Petitioner

Vs.

1.The Director 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 is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 & 2 to pay the entire amount due to the petitioner's husband mentioned in the petition dated 21.04.2017 along with the calculation sheet annexed with further interest at the rate of 12% p.a., till the date of disbursement.

For Petitioner : No appearance

For R1 : Mr.VR.Shanmuganathan,
Special Government Pleader

For R2 : Mr.M.Karuppasamy
Government Advocate

ORDER

This writ petition is filed seeking for a mandamus, directing the respondents 1 & 2 to pay the entire amount due to the petitioner's husband mentioned in the petition, dated 21.04.2017 along with the calculation sheet annexed and further interest at the rate of 12% p.a., till the date of disbursement.

2. When the matter was taken up for hearing on 30.09.2019, there was no representation for the petitioner and hence, the matter was directed to be posted today (04.10.2019). Even today also, there is no representation for the petitioner.



3. Heard Mr.VR.Shanmuganathan, learned Special Government Pleader appearing for the first respondent and Mr.M.Karuppasamy, learned Government Advocate appearing for the second respondent.

4. According to the petitioner, her husband was working as Bill Collector at Periyakulam Municipality and retired from service on 30.06.1995 on attaining the age of superannuation. The respondents have not paid the entire terminal benefits. According to the petitioner, Provident Fund Interest, Special Provident Fund amount and 5th Pay Commission arrears and interest were not paid to him. The petitioner approached the respondents on many occasions to pay the said amount, but they have not paid the said amount. The petitioner and others obtained information under the Right to Information Act, 2005, with regard to arrears of Provident Fund amount payable to the employees sanctioned by the first respondent. The petitioner gave representation to the respondents, dated 21.04.2017, enclosing the calculation sheet and the respondents have not passed any order on the representation so far. Hence, the petitioner has come up with the present writ petition.

5. Mr.M.Karuppasamy, learned Government Advocate appearing for the second respondent Municipality filed counter affidavit and contended that due to financial crisis, out of Rs.20,290/-, the second respondent has already paid a sum of Rs.8,116/- to the petitioner. The balance amount of Rs.12,174/- will be paid within the time fixed by this Court.

6. From the materials on record, it is seen that the petitioner is claiming arrears of Provident Fund Interest, Special Provident Fund amount and 5th Pay Commission arrears and interest and she made representation along with calculation sheet. The second respondent in the counter affidavit admitted that there is an arrears of Rs.12,174/- towards provident fund interest. In the counter affidavit, the second respondent has not denied the amount claimed by the petitioner in respect of Special Provident Fund and 5th Pay Commission arrears.

7. In view of the same, the second respondent is directed to pay the amounts as claimed by the petitioner, within a period of eight (8) weeks from the date of receipt of a copy of this order.

8. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)



To

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

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

W.P. (MD) No.19183 of 2017
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JMN(30.10.2019) 3P : 3C