

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.25774 of 2008
and
M.P.No.1 of 2008

Mr.A.Ramanathan

... Petitioner

-vs-

1.The Additional Assistant Elementary Educational Officer,
Puzhal, Chennai-600 066.

2.The District Educational Officer,
Thiruvallur District,
Thiruvallur.

3.The Assistant Educational Officer (South),
Corporation of Chennai,
Chennai-600 003.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a writ of Mandamus, directing the 1st respondent herein, namely, the Office of the Additional Assistant Educational Officer, Puzhal, Chennai-600 066 to pass orders on the petitioner's last representation dated 16.07.2007 praying for the grant of interest for the period 01.08.1997 to 31.03.2007 on Provident Fund Account Special Provident Fund and arrears of Fifth Pay Commission.

For Petitioner : Ms.P.Vedavallee

For R1 & R2 : Mrs.P.Kavitha
Govt. Advocate

For R3 : Ms.Karthika Ashok

O R D E R

The Writ Petition has been filed for a direction to the 1st respondent to pass orders on the petitioner's last

representation dated 16.07.2007 in respect of grant of interest for the period 01.08.1997 to 31.03.2007 on Provident Fund, Special Provident Fund and arrears of Fifth Pay Commission.

2. The case of the petitioner is that he was employed as Secondary Grade Teacher, Puzhal Panchayat Union School at Manali, Thiruvallur District and the amount deducted towards Provident Fund, 5th Pay Scale Pay Commission Arrears amount and the Special Provident Fund was not transferred to the authorities of Corporation of Chennai, when he was transferred to Corporation Middle School at Professor Sanjeevi Street, Mylapore, Chennai. It is further case of the petitioner that he retired from service on 31.03.2007 and the amount due to him was not settled within six months of his retirement. Though he has sent several representations, the last one of which was dated 16.07.2007, there was no response from the 1st respondent and therefore, the petitioner is before this Court seeking for the above direction.

3. Mr.P.Kavitha, learned Government Advocate, by referring to the counter affidavit, more particularly, Paragraph Nos.4 and 5, vehemently contended that the amount due to the petitioner has already been settled and the amount of arrears along with interest was also forwarded to the Commissioner, Corporation of Chennai as early as in 2008 vide Cheque No.A107814 dated 17.09.2008 with a request to pay the amount to the petitioner.

4. A close reading of the counter affidavit of the 1st respondent discloses the fact that the 1st respondent had already calculated the entire amount along with interest as on 31.07.2007 and sent to the Commissioner, Corporation of Chennai on 17.09.2008 itself and therefore, this Court is of the view that no relief could be granted against R1 and R2 and the responsibility of paying the amount along with interest vests with the 3rd respondent.

5. Hence, this Writ Petition is disposed of, with a direction to the 3rd respondent to pay the amount due to the petitioner, within a period of two months from the date of receipt of a copy of this order together with interest @ 12% p.a., if the amount had not already been paid to the petitioner and in case of non payment of the amount along with interest within the time stipulated, the interest portion will have to be recovered from the Officer concerned, who is responsible for disbursement of the amount to the petitioner. The payment made by the 3rd respondent to the petitioner will have to be informed to the petitioner in writing and the details of payment and other particulars, if any, made by R3, shall have to be furnished to the petitioner. If the petitioner is aggrieved by

the calculation made by R3, it is open to him to challenge the same in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To:

1. The Additional Assistant Elementary Educational Officer,
Puzhal, Chennai-600 066.
2. The District Educational Officer,
Thiruvallur District,
Thiruvallur.
3. The Assistant Educational Officer (South),
Corporation of Chennai,
Chennai-600 003.

+1 cc to The Government Pleader, Sr.No. 28672

W.P.No.25774 of 2008

NMI (CO)
RMP (07/12/2020)



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