



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

WP.No.8392 of 2014

R.Premakumari

Petitioner

Vs

- 1.The Director of Elementary Education, Chennai-6
- 2.The District Elementary Educational Officer, Kancheepuram
- 3.The Assistant Elementary Educational Officer,
Kattankulathur Respondents

Prayer:- This Writ Petition is filed, under the Article 226 of Constitution of India, to issue a Writ of Mandamus to direct the Respondents to pay normal interest applicable to provident fund for three months from 02.07.2009 to 30.09.2009 and special interest of 12% p.a. from 01.10.2009 o 01.08.2013 for the belated payment of provident fund amount of Rs.4,53,102/-.

For Petitioner : Mr.B.R.Ganesan
For Respondents : Mrs.P.Kavitha, GA

ORDER

- 1.The prayer in this Writ Petition is to issue a Writ of Mandamus to direct the Respondents to pay normal interest applicable to provident fund for three months from 02.07.2009 to 30.09.2009 and special interest of 12% p.a. from 01.10.2009 o 01.08.2013 for the belated payment of provident fund amount of Rs.4,53,102/-.
- 2.The case of the Petitioner is that the Petitioner had joined as Middle School Teacher on 16.11.1987 in the Respondent Department and that while she was working as Head Mistress in the Panchayat Union Middle School Keerapakkam, she had voluntarily retired with effect from 01.07.2009 and that though orders were passed, sanctioning DCRG, Pension and Commutation of Pension, the Respondents have not settled the same. Hence, the Petitioner had filed WP.No.17177 of 2012, seeking settlement of the provident fund account with interest 12% p.a., wherein by order dated, 5.7.2012, the 3rd Respondent was



directed to pay the same within two weeks from the date of receipt of a copy of the order and thereafter, a representation, dated 13.08.2012, seeking settlement of the provident fund account was sent to the Respondents. Since no action was taken by the Respondents, the Petitioner had filed Cont.P.No.1459 of 2013. Since by cheque dated 2.8.2013, the entire provident fund amount was settled, the said contempt petition was closed, by order dated, 16.08.2013, giving liberty to claim interest for the belated payment of the provident fund amount of Rs.4,53,102/. Hence, this Writ Petition has been filed, seeking relief as stated above.

3.This court heard the learned counsel on either side and considered their respective submissions and also perused the materials placed on record, including the counter filed by the Respondents.

4.Admittedly, the entire provident fund amount had been settled to the Petitioner. However, the issue in this Writ Petition is with regard to payment of interest for the belated payment of provident fund amount of Rs.4,53,102/. To that extent, the learned Government Advocate for the Respondents has produced an interest calculation sheet/memo, dated 31.01.2020, which reads as under:-

INTEREST CALCULATION SHEET						
TMT.R.PREMAKUMARI, HEAD MASTER, P.U.MIDDLE SCHOOL, KEERAPAKKAM, KATTANKOLATHUR, BLOCK SERVICE FROM VOLUNTARY RETIRED ON 01.07.2009 A.N.						
Period	Cumulative Total (Rs.)	Rate of Interest	No. of Months	Amount of Interest (Rs.)	Total end of the amount	
					453102	
02/10/09	453102	8.00%	30/31	2923	456025	
FROM 11/2010 TO 07/2011	453102	8.00%	9	27186	480288	
FROM 08/2011 TO 11/2011	453102	8.00%	4	12083	465185	
FROM 12/2011 TO 03/2012	453102	8.6%%	4	12989	466091	
FROM 04/2012 TO 03/2013	453102	8.8%%	4	13291	466393	
FROM 04/2013 TO 06/2013	453102	8.7%%	12	39420	492522	
FROM 1.7.2013 TO 16.07.2013	453102	8.7%%	16/31	1695	454797	
Up to 16.07.2013 Interest					109587	

5.But, the learned counsel for the Petitioner has disputed the afore said interest calculation sheet. However, on perusal of the relevant Rules of the Notification issued by the State and as per the afore said interest calculation sheet, the Petitioner is entitled to a sum of Rs.1,09,587/- (Rupees one lakh nine thousand five hundred and eighty seven only) towards interest for the belated payment of the provident fund amount Rs.4,53,102/. Accordingly, this Writ Petitions is disposed of, with the following directions:-

- The Petitioner shall make a representation to the Respondent Corporation, claiming interest of



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Rs.1,09,587/- (Rupees one lakh nine thousand five hundred and eighty seven only) towards interest for the belated payment of the provident fund amount Rs.4,53,102/, within a period of two weeks from the date of receipt of a copy of this order.

ii. On receipt of such representation within the aforesaid period, the 3rd Respondent shall pass appropriate orders, sanctioning a sum Rs.1,09,587/- (Rupees one lakh nine thousand five hundred and eighty seven only) towards interest for the belated payment of the provident fund amount, within a period of four months thereafter.

iii. However, there shall be no order as to costs.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

Srcm

To

1. The Director of Elementary Education, Chennai-6
2. The District Elementary Educational Officer, Kancheepuram
3. The Assistant Elementary Educational Officer,
Kattankulathur

+1 cc to Mr.B.R.Ganesan, Advocate Sr.No. 9175
+1 cc to Govt Pleader Sr.No. 9479

WP.No.8392 of 2014

VBA (CO)
RMP (15/07/2020)