

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.5602 of 2014

S.Palanichamy

..... Petitioner

Vs.

1.The Commissioner of Municipal Administration,
Chepauk,
Chennai-600 005.

2.The Municipal Commisioner,
Palani Municipality,
Palani-624 601,
Dindigul District.

3.The Director,
Local Fund Audit,
Fourth Floor,
Kuralagam,
Chennai-600 108

.....Respondents

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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus to direct the second and third Respondents herein (a) to award the statutory interest on the General

Provident Fund (G.P.F.) amount for the period from 3.12.1990 to 31.3.1999. (b) Belated interest on/G.P.F. From 31.3.1999 to till date of its disbursement to the petitioner as shown in the arrears statement submitted by the petitioner in Annexure III. (c) Sixth pay commission arrears (arrears statement in Annexure v). (d) Encashment of leave on private affairs as in arrears statement (IV) and calculate interest as on all the above belated arrears at the rate of 12% per annum compounded on the quarterly rest from 31.3.1999 till date of disbursement of such interest to the petitioner and disburse all the arrears within a short date.

For Petitioner: Mr.K.Rajkumar

For Respondents: Mr.S.Thangavel
Special Government Pleader
For R1 & R3
Mr.S.Pattabiraman
For R2

ORDER

This writ petition has been filed for a direction to the 2nd and 3rd Respondents herein (a) to award the statutory interest on the General Provident Fund (G.P.F.) amount for the period from 3.12.1990 to 31.3.1999. (b) Belated interest on/G.P.F. from 31.3.1999 to till date of its disbursement to the petitioner as shown in the arrears statement submitted by the petitioner in Annexure III. (c) Sixth pay commission arrears (d)

Encashment of leave on private affairs as in arrears statement (IV) and calculate interest as on all the above belated arrears at the rate of 12% per annum compounded on the quarterly rest from 31.3.1999 till date of disbursement of such interest to the petitioner and disburse all the arrears within a short date.

2. According to the petitioner, he was appointed as Health Assistant in Palani Municipality on 10.08.1965 and subsequently promoted as Sanitary Inspector on 20.09.1969. Whileso, he retired from service on superannuation on 31.03.1999. Thereafter, certain retiral benefits were unsettled and certain payments were paid belatedly without awarding any interest viz., interest to be paid for Provident Fund for the period from 03.12.1990 to 31.03.1999 along with statutory interest, ii) interest accrued for G.P.F payment as on 31.03.1999 thereon for the period commencing from 03.12.1990 to 31.03.1999. In spite of repeated representations, which failed to evoke any response, the present writ petition has been filed.

3. Learned counsel for the petitioner, reiterating the grounds raised in the affidavit submits that the petitioner has rendered unblemished service the non-settlement of certain retiral benefits by the respondents made the petitioner to file representations, which has not been considered till date. Therefore, it would suffice if the respondents are directed to dispose of the representation submitted by the petitioner within a particular time frame fixed by this Court.

4. Mr.S.Thangavel, Special Government Pleader appearing for the respondents 1 and 3 and learned counsel appearing for the 2nd respondent though denied the claim of the petitioner by filing their counter affidavit, however, have no serious objection in issuing such a direction to the respondents as prayed for by the petitioner.

5. In view of the limited relief sought for by the petitioner, this Court, without going into the merits of the case, directs the petitioner to send a copy of the representations, already submitted, along with a copy of this order to the respondents, within a period of two weeks from the date of

receipt of a copy of this order and on receipt of the said representation, the respondents are directed to consider the same and to settle the retiral benefits due to the petitioner with interest @ 6% and for payments where statutory interest is applicable, shall pay the statutory interest for such belated payments and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks thereafter.

6. With the aforesaid directions, the writ petition stands disposed of.

No costs.

07.12.2020

Internet : Yes / No

Index : Yes / No

vsi2

To

1. The Commissioner of Municipal Administration,
Chepauk, Chennai-600 005.

2. The Municipal Commissioner,
Palani Municipality,
Palani-624 601, Dindigul District.

M.DHANDAPANI, J.

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3.The Director,
Local Fund Audit,
Fourth Floor, Kuralagam,
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