

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR

W.P.No.19700 of 2017

K. Bhanumathy

... Petitioner

Versus

- 1.The District Elementary Educational Officer,
Tiruvannamalai, Tiruvannamalai District.
- 2.The Assistant Elementary Educational Officer,
Tiruvannamalai Union, Tiruvannamalai District.
- 3.The Deputy Secretary,
Office of the Accountant General (A&E),
Tamil Nadu, No.361, Anna Salai,
Teynampet, Chennai - 600 028.
4. The Assistant Director,
Office of the Assistant Director of
Internal Audit and Statutory Boards Audit Department,
No.13, Manthopu, P.U.S. Nagar,
Polur Main Road, Tiruvannamalai - 606 601,
Tiruvannamalai District.
(R4 - Amended as per Order dated 31.01.2018 in
W.M.P.No.26949 of 2017 in W.P.No.19700 of 2017)

...Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to pay the interest for belated payments in respect of Teachers Provident Fund (TPF), Special Provident Fund (SPF), Encashment of Earned Leave, Unearned Leave, Pay Arrears, Gratuity, at the rate of 18% per annum from the date of due till the date of payment.

For Petitioner : Mr.P. Ganesan

For RR 1 and 2 : Mrs.P. Kavitha
Government Advocate

For R3 : Mr.S. Balaji

For R4 : No Appearance

O R D E R

This writ petition has been filed by the petitioner seeking for a direction to the respondents to pay the rate of interest for the belated payment in respect of Teachers Provident Fund (TPF), Special Provident Fund (SPF), Encashment of Earned Leave, Unearned Leave, Pay Arrears, Gratuity, at the rate of 18% per annum from the date of due till the date of payment.

2. According to the writ petitioner, she was appointed as Secondary Grade Teacher on 30.04.1993 at P.U. Elementary School, Pakkipalayam, Chengam Union, Tiruvannamalai District. Her services were regularized with effect from the date of initial appointment. Thereafter, she was transferred to Panchayat Union Middle School, Hanumanthapuram, Tiruporur, Kancheepuram District and again she was transferred to Panchayat Union Elementary School, Pazhayalur, Tiruvannamalai District. Following the same, she attained the age of superannuation on 31.05.2014. Thereafter, she made several representations on 10.08.2015, 25.11.2016 and 21.03.2017 to the respondents to pay the rate of interest for the belated payment in respect of Teachers Provident Fund (TPF), Special Provident Fund (SPF), Encashment of Earned Leave, Unearned Leave, Pay Arrears, and Gratuity interest at the rate of 18% per annum from the date of due till the date of payment to the writ petitioner. Till date, no order has been passed by the respondents. Hence, the writ petitioner has come forward with the present writ petition before this Court.

3. Heard Mr.P.Ganesan, learned counsel appearing for the writ petitioner and Mrs.P.Kavitha, learned Government Advocate appearing for the respondents 1 and 2 and Mr.S.Balaji, learned counsel appearing for the third respondent and perused the materials available on record.

4. On a perusal of the proceedings in Na.Ka.No.10/A1/2014, dated 01.09.2014 and Na.Ka.No.19/A4/2016, dated 07.01.2016 passed by the respondents 2 and 4, it is clear that the writ petitioner has not made any such requests for the belated payment of interest for the aforesaid category. Therefore, the relief sought for by the writ petitioner cannot be considered at this stage. However, it is open to the writ petitioner, to make a request to the respondents for the belated payment of interest as sought for in the aforesaid prayer in the writ petition and other benefits which have to be settled to the writ petitioner herein in accordance with rules.

5. Accordingly, the writ petition is disposed of, with the above observations. No Costs.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

msm

To

- 1.The District Elementary Educational Officer,
Tiruvannamalai, Tiruvannamalai District.
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Polur Main Road, Tiruvannamalai - 606 601,
Tiruvannamalai District.

+1cc to M/s.C.S.Associates SR.6914
+1cc to the Government Pleader SR.7180

W.P.No.19700 of 2017

VG I(CO)
CB(22/09/2020)

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