



WEB COPY

WP(MD) No.2754 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.2754 of 2021

and

W.M.P (MD) No.2253 of 2021

Mary Elizabeth

...Petitioner

Vs.

1.The Accountant General,
Office of the Accountant General
Tenampet, Chennai - 600 018.

2.The Chief Educational Officer,
(Elementary Education),
Tirunelveli District,
Tirunelveli.

3.The District Educational Officer,
(Elementary Education),
Valliyoor Educational District,
Valliyoor,
Tirunelveli District.

4.The Block Educational Officer,
Valliyoor,
Tirunelveli District.

5.The Block Educational Officer,
Nanguneri,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents to settle and disburse the Provident Fund payable to the petitioner due to her retirement on 31.05.2017 along with subsequent interest at the rate of 12 percentage per annum from the date of the petitioner's retirement till the date of the disbursement of the said Provident Fund forthwith within a time frame as stipulated by this Court.

For Petitioner
For Respondent
No.1

: Mr.Palani Velayutham
: Mr.P.Gunasekaran

For Respondent
Nos. 2 to 5

: Mr.N.Shanmugaselvan
Additional Government Pleader



O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2.The petitioner's representation dated 17.10.2020 seeking provident fund along with interest payable to the petitioner due to her retirement on 31.05.2017, has not been considered by the respondent and therefore, the petitioner has filed the present writ petition.

3. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

4.In the light of the above observations, it would be appropriate to direct the 2nd respondent herein to consider the petitioner's representation dated 17.10.2020 within a stipulated time and thereby the ends of justice could be secured. It is made clear that this Court has not expressed any of its view with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5.Accordingly, there shall be a direction to the 2nd respondent to consider the petitioner's representation dated 17.10.2020 in on its own merits and pass appropriate orders in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To:

1.The Accountant General,
Office of the Accountant General
Tenampet, Chennai - 600 018.



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(Elementary Education),
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3.The District Educational Officer,
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Valliyoor Educational District,
Valliyoor,Tirunelveli District.

4.The Block Educational Officer,
Valliyoor, Tirunelveli District.

5.The Block Educational Officer,
Nanguneri, Tirunelveli District.

+1 CC to SPL GP (SR-5369[F] dated 16/02/2021)

+1 CC to Mr.P.GUNASEKARAN, Advocate (SR-5584[F] dated 17/02/2021)

W.P. (MD) No.2754 of 2021

15.02.2021

(KG)

KV(01.03.2021) 3P 8C