



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.3576 of 2021

and

W.M.P (MD) No.2901 of 2021

S.Peter Raj

...Petitioner

Vs.

1.The Director of School Education,
College Road, Chennai-600 006.

2.The District Educational Officer,
Tiruchendur,
Thoothukudi District-628 215.

3.The Manager of R.C.Schools,
Bishop's House,
Thoothukudi-628 001.

4.The Correspondent,
St.Mary's Higher Secondary School,
Pothakalanvilai,
Thoothukudi District-628 702.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the impugned order in Na.Ka.No.2113/A3/2019 dated 09.09.2019 on the file of the second respondent and to quash the same and to direct the second respondent to release the amount Rs.2,60,603/- for the delayed payment of the Provident Fund with 9% interest till the date of disbursement and to released the Special Provident Fund with 9% interest till the date of disbursement.

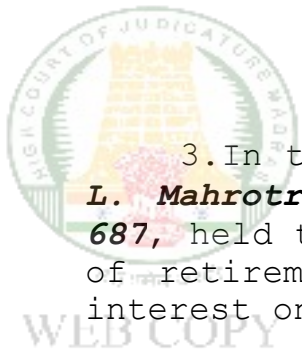
For Petitioner : Mr.Robert Chandrakumar

For R-1 and R-2 : Mr.A.Thiyagarajan
Government Advocate

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 grievance of the petitioner is that the respondents had belatedly disbursed the provident fund amount due to him and therefore, he seeks for interest on the belated payment.



3. In this regard the Hon'ble Supreme Court in the case of **Vijay L. Mahrotra Vs. State of Uttar Pradesh** reported in **(2001) 9 SCC 687**, held that when the retirement benefits are not paid on the date of retirement are soon after, the retiree would be entitled for interest on the belated payment.

4. The petitioner herein, in his prayer has sought for release the amount of Rs.2,60,603/-, which according to him, is the interest calculated by the respondents on the belated payment. However, as per the proceedings of the District Educational Officer, dated 03.01.2019, r/w provident fund Teacher's account slip for the year 2017-2019, it cannot be said that the Educational Authority have derived interest of Rs.2,60,603/-. It is also stated by the petitioner that the special provident fund amount has not been released by the respondents till date.

5. Nevertheless, in view of the aforesaid discussion, the petitioner would be entitled for payment of interest at the rate of 6% on the belated payment of the provident fund amount.

6. In this background, the impugned order passed by the second respondent in Na.Ka.No.2113/A3/2019, dated 09.09.2019, is hereby quashed and there shall be a direction to the respondents to pay interest to the petitioner at the rate of 6% per annum on the belated payment of provident fund, commencing from the date of retirement, till the date of actual disbursement, within a period of three months from the date of receipt of a copy of this order. In case, the respondents have not released the special provident fund to the petitioner, the same shall be considered for disbursement along with interest at the rate of 6% from the date, on which the payment is due.

7. This Writ Petition stands ordered accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

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/ /2021

Sub Assistant Registrar (CS)

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be

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utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

WEB COPY

- 1.The Director of SCHool Education,
College Road, Chennai-600 006.
- 2.The District Educational Officer,
Tiruchendur,
Thoothukudi District-628 215.

+1 CC to M/s.SPL GP (SR-7270[F] dated 25/02/2021)

W.P. (MD) No.3576 of 2021
24.02.2021

GS (23.04.2021) 3P 4C