



**wpBEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED:01.03.2021**

**CORAM:**

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**W.P. (MD)No.7099 of 2016**

**and**

**W.M.P. (MD) .Nos.15131 of 2016 and 21646 of 2018**

S.Govindan (died)

G.Jothimani

the petitioner is impleaded as per the order  
of this Court in W.P.(MD).No.7099 of 2016,  
dated 01.03.2021.

... Petitioner

Vs.

1.The Commissioner,  
Municipal Administration,  
Ezhilagam,  
Chepauk,Chennai-5.

2.The Director,  
Local Fund Audit Department,  
Kuralagam,  
4<sup>th</sup> Floor,Chennai 600 108.

3.The Commissioner,  
Melur Municipalaity,  
Melur,Madurai District.

... Respondents

**Prayer:**Writ Petitions are filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pay an interest at 12% per annum for the belated payment of Provident Fund and Special Provident Fund and to disburse arrears of pay due from 01.06.1988 to 31.05.1989, on 5<sup>th</sup> pay commission with 12% interest per annum.

|                |                                                     |
|----------------|-----------------------------------------------------|
| For Petitioner | : Mr.M.P.Senthil                                    |
| For R1 & R2    | : Mr.M.Muthugeethayan<br>Special Government Pleader |
| For R3         | : Mr.J.Gunaseelan Muthiah<br>Standing counsel       |



**O R D E R**

This writ petition has been filed for a direction to the respondents to pay interest at 12% per annum for the belated payment of Provident Fund and Special Provident Fund and to disburse arrears of pay due from 01.06.1988 to 31.05.1989, on 5<sup>th</sup> Pay Commission with 12% interest per annum.

2. The case of the petitioner is that her husband worked as Sanitary Officer at Theni Municipality and retired from service on 31.12.1998, on attaining the age of superannuation. Before serving at Theni, he had worked as Sanitary Inspector from 11.05.1988 to 20.06.1990 and promoted as Sanitary Officer from 20.01.1990 to 13.05.1992 in Melur Municipality. After retirement, the petitioner's husband is entitled for Rs.12,563/- towards provident fund and Rs.1,040/- towards special provident fund for the period from 11.05.1988 to 13.05.1992. Similarly, the petitioner's husband also entitled for Rs.3,999/- as arrears for re-fixation of pay on the 5<sup>th</sup> Commission, from 01.06.1988 to 31.05.1989 with interest. After retirement, the petitioner's husband made various representations to the respondents. But till date the respondents have not disbursed the arrears of pay on 5<sup>th</sup> pay commission. Hence, the petitioner has filed the present writ petition with the aforesaid prayer.

3. The learned counsel appearing for the petitioner would submit that during the pendency of the writ petition, the original petitioner passed away and hence, this Court may issue a direction to the respondents to pay the eligible amount with reasonable interest to the impleading petitioner.

4. Per contra, the learned Standing counsel appearing for the third respondent would submit that during the pendency of the writ petition, a sum of Rs.43,320/- was disbursed in favour of the petitioner, by way of Cheque No.276906, dated 08.12.2020.

5. Though the petitioner claimed the benefit relating to the year 1988 to 1990, the writ petition has been filed in the year 2015. Further, it appears that during the pendency of the writ petition, a sum of Rs.43,320/- was settled in favour of the petitioner, by way of Cheque No.276906, dated 08.12.2020 and if at all any amount, over and above the amount was paid, it is open to the petitioner to make a fresh representation before the third respondent and if any such representation is received, the third respondent is directed to consider the same and pass appropriate orders as expeditiously as possible.



6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

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Sd/-

Assistant Registrar ( )

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

akv

To

1.The Commissioner,  
Municipal Administration,  
Ezhilagam,  
Chepauk, Chennai-5.

2.The Director,  
Local Fund Audit Department,  
Kuralagam,  
4<sup>th</sup> Floor, Chennai 600 108.

3.The Commissioner,  
Melur Municipality,  
Melur, Madurai District.

+1 CC to M/s.M.P.SENTHIL, Advocate ( SR-8053[F] dated 02/03/2021 )

+1 CC to M/s.SPL GP ( SR-8161[F] dated 02/03/2021 )

**W.P. (MD)No.7099 of 2016**

**01.03.2021**

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