



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2022

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.16751 of 2018

G.Ravisankar

... Petitioner

Vs

1. The Accountant General (A&E),
Tamil Nadu, Chennai - 600 018.
2. The Director General of Police,
Rajaji Salai, Mylapore, Chennai - 600 004.
3. The Additional General of Police,
Social Justice and Human Rights,
Chennai - 600 004.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents herein to consider the representation dated 03.06.2018 and pass suitable orders in order to refund the General Provident Fund amount of Rs.1,26,198/- with interest.

For Petitioner : Mr.B.P.Vinoth
for Mr.C.Uma Shankar

For Respondents : Mrs.Hema Muralikrishnan
Senior Standing Counsel for R1

: Mr.J.C.Durairaj
Additional Govt. Pleader for R2 & R3

ORDER

The prayer sought for herein is for a writ of mandamus directing the respondents to consider the representation dated 03.06.2018 and pass suitable orders in order to refund the General Provident Fund amount of Rs.1,26,198/- with interest.

2. The petitioner joined in the respondent Police Department as Sub Inspector of Police and reached the position of the



Deputy Superintendent of Police, where he worked as Deputy Superintendent of Police, Social Justice and Human Rights at D.G.P. Office at Chennai from where he retired on superannuation on 31.03.2017.

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3. However, while he was in service working as Sub Inspector at Valasaravakkam Police Station, he had taken a temporary advance of Rs.22,000/- on 20.03.1997 from his General Provident Fund account and he had repaid the same in equated monthly installments of Rs.1310/-. Therefore, according to the petitioner, the said GPF advance had been repaid by the petitioner.

4. However, the respondents, after retirement, by communication dated 12.07.2017 stated that, the petitioner has to repay a sum of Rs.1,26,198/- being the principal as well as the interest towards the GPF loan account and which was adjusted towards the GPF account to be paid to him.

5. Therefore, the petitioner through his lawyer on 03.06.2018 has sent a request to the respondents to consider his request by verifying the accounts as the petitioner claimed that he has repaid the amount, therefore, the question of deducting the said amount with interest as claimed by the respondent A.G.'s Office in their communication dated 12.07.2017 does not arise. Accordingly, he seeks refund of the amount. Since the said representation sent through his lawyer has not been disposed of on merits, the petitioner has approached this Court by filing the present writ petition.

6. Heard Mr.B.P.Vinoth, learned counsel appearing for the petitioner, Mrs.Hema Muralikrishnan, learned Senior Standing Counsel appearing for the 1st respondent and Mr.J.C.Durairaj, learned Additional Government Pleader appearing for respondents 2 and 3.

7. The petitioner since has not paid the amount is not entitled to get back the amount. Therefore, the claim made by the petitioner through his lawyer by way of legal notice dated 03.06.2018 is deserved to be rejected, he contended.

8. Be that as it may, on what basis the calculation has come to substantiate that the petitioner has not repaid the said GPF advance with interest, has not been stated in the impugned order. In this regard, after verifying the claim made by the petitioner through his representation made through his lawyer dated 03.06.2018, a reasoned order can be passed by the respondent by disposing the said representation.



9. In that view of the matter, this writ petition is disposed of with the following direction:

That there shall be a direction to the respondents to consider the representation of the petitioner made through his lawyer dated 03.06.2018 and pass orders thereon on merits and in accordance with law by giving a calculation memo, if they still wants to substantiate their stand taken that the petitioner has not repaid the GPF advance with interest and accordingly communicate the same to the petitioner. The aforesaid exercise shall be undertaken by the respondents within a period of six weeks from the date of receipt of a copy of this order.

10. With this direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS III)

/True Copy//

Sub Assistant Registrar

Sgl

To

1. The Accountant General (A&E),
Tamil Nadu, Chennai - 600 018.
2. The Director General of Police,
Rajaji Salai, Mylapore, Chennai - 600 004.
3. The Additional General of Police,
Social Justice and Human Rights,
Chennai - 600 004.

+lcc to Mrs.Hema Muralikrishnan, Advocate, S.R.No.32333

+lcc to the Government Pleader, S.R.No.32547

W.P.No.16751 of 2018

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NSK/13/06/2022