



W.P.No.28971 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :18.11.2022

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.28971 of 2017

K.Ekambaram

... Petitioner

-Vs-

1. The District Elementary Educational Officer,
District Elementary Educational Office,
Kancheepuram.

2. The Assistant Elementary Education,
Sriperampudhur, Kancheepuram District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus, directing the respondents to consider and pass orders on the petitioners representation dated 03.07.2017 in regard to grant of interest at the rate of 12% for the delay in paying GPF amount.

For Petitioner : Mr.T.R.Rajgajendran

For Respondents : Mrs.S.Mythreyechandru,
Special Government Pleader



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ORDER

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The relief sought for in the present writ petition is to direct the respondents to consider the representation submitted by the writ petitioner, with reference to his claim for a grant of interest on belated settlement of GPF amount.

2. In this regard, the learned Special Government Pleader relied on the counter and made a submission that the interest, as admissible, had already been settled in favour of the petitioner. Accordingly, 10% interest was paid to the petitioner for the belated settlement of the Provident Fund. It is relevant to extract paragraph 5, 8 and 9 of the counter affidavit which reads as under:

5. It is submitted that the Respondents have paid all the retirement benefits to the petitioner except General Provident Fund. Hence the petitioner made representation on 28/11/2009 to the Respondents requesting to pay the General Provident Fund. Thereafter the petitioner writ petition in W.P.No.25700 of 2011 and this Hon'ble court passed the following order:

"In view of the limited prayer sought for by the petitioner this writ petition is disposed of by directing the first Respondent to dispose of the representation of the petitioner dated 28/11/2009 within a period of four weeks from the date of receipt of a copy of this order."



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8. *It is submitted that the petitioner retired on 30/04/2008 and the General Provident Fund by way of Cheque on 25/04/2012. As per Rule 45-A, TNPR 1978, vide Government Letter No.35646/cc2(2)/2015 dated 27/03/2017 School Education Department on or from 1st April 2004 the rate of interest for belated payment of DCRG shall be at the rate of interest payable, on General Provident Fund during the year of retirement of the Government servant and no such interest shall be payable for the fraction of a month.*

9. *It is submitted that as per the G.O.Ms.No.464 Finance (Allowances) Department dated 26/12/2005 the rate of interest for General Provident Fund for the financial year 2007-08 shall be at the rate of 8% per annum.*

3. In view of the fact that the interest as sought for by the petitioner had already been settled, no further adjudication is required and accordingly, the writ petition stands **disposed of**. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

18.11.2022

Index : Yes
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S.M.SUBRAMANIAM.J.,

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To

1. The District Elementary Educational Officer,
District Elementary Educational Office,
Kancheepuram.
2. The Assistant Elementary Education,
Sriperampudhur, Kancheepuram District.

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