IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2022

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. No.28731 of 2018 and
W.M.P.No.11041 of 2022

A.Tamilarasu ... Petitioner

Vs.

1.The Addl. Asst. Elementary,
Educational Officer,
Chengam – 606 709
Tiruvannamalai District.

2.The District Educational Officer,
Tiruvannamalai,
Tiruvannamalai District.

3.The Director of Elementary Education,
DPI Campus, College Road,
Chennai – 600 006.

4.The Govt. of Tamil Nadu,
Rep. By its Secretary,
Education Department,
Fort St. George,
Secretariat, Chennai – 600 009. ... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the second respondent to consider and pass orders on the representation dated 21.08.2013 preferred by the petitioner and pay the GPF subscription amount paid by the petitioner in the TPF account No.6385/EDN for the period of July 2011 to December 2012 and also pay the TPF subscription amount paid by the petitioner for the period of 1.1.2002 to 31.5.2011.

For Petitioner : Mr.PA.Kadirvel

For Respondents : Mr.T.Sampath Kumar
Government Advocate

ORDER

The prayer sought for herein is for a writ of mandamus directing the second respondent to consider and pass orders on the representation dated 21.08.2013 preferred by the petitioner and pay the GPF subscription amount paid by the petitioner in the TPF account No.6385/EDN for the period of July 2011 to December 2012 and also pay the TPF subscription amount paid by the petitioner for the period of 1.1.2002 to 31.5.2011.

2. The petitioner joined as Secondary Grade Teacher on 21.12.1999 where for pension contribution he got the T.P.F.No.638568/ EDN and from January to May 2011 for 125 months he paid the contribution in that account.

3. Thereafter in 2011 July onwards the petitioner had been absorbed in the High School where instead of getting a G.P.F. number mistakenly the petitioner continuously to make the contribution in T.P.F. account itself for 18 months i.e. from July 2011 to December 2012. Thereafter, in June 2013 G.P.F. number has been given to the petitioner, hence in the said G.P.F. account, the amount or contribution made by the petitioner in T.P.F. account for the period from July 2011 to December 2012 shall be contributed or transferred so that the petitioner can get pensionary benefits in the G.P.F. account. In order to do this transfer, the petitioner has made a request to the respondent by representation dated 21.08.2013, however the said representation since has not been considered, he has approached this Court by filing the present writ petition.

4. Heard the learned counsel for the petitioner who would submit that, though the petitioner had made a contribution since before G.P.F. number was allowed in the T.P.F. itself, it was paid for the period from July 2011 to December 2012, the said amount has to be transferred to the G.P.F. account since it is a simple transfer that has not been executed by the respondent, hence a direction can be given to do the needful, he contended.

5. However, Mr.T.Sampath Kumar, learned Government Advocate appearing for the respondents has submitted that, the proposal for calculating the said amount and to pay to the petitioner in the G.P.F. account has already been sent with proposal to the Accountant General of Tamil Nadu, Teynampet, Chennai vide letter dated 16.08.2019 to accord sanction to the amount to be paid to the G.P.F. Account No.638568 and the order is yet to be passed by the Accountant General, once the order is passed that would be taken care of and executed, he contended. In support of his contention, he has relied upon para 7 of the counter affidavit which reads thus:

> "7.It is respectfully submitted that based on the Assistant Elementary Educational Officer, Chengam letter dated 01.07.2019, the Assistant Director of Local Fund Audit, Tiruvannamalai sent the certificate with calculation report arriving the final balance amount with respect to credit the GPF amount which has to be paid to the petitioner after calculating the same for the amount of Rs.18,282/- vide Na.Ka.No.453/A2/2019, dated 29.07.2019. Further it is respectfully submitted that the Assistant Elementary Educational Officer sent proposal to the Accountant General of Tamil Nadu, Teynampet, Chennai vide Na.Ka.No.237/A1/2019, dated 16.08.2019 to accord sanction to the amount to be paid to the petitioner in his GPF A/c No.638568 and the said amount will be credited into the petitioner account after getting necessary orders from the Accountant General of Tamil Nadu."

6. However, Mr.PA.Kadirvel, learned counsel for the petitioner

would submit that in para 7 of the counter as referred to above, it has been simply mentioned only a sum of Rs.18,282/- alone was accrued amount for the period from July 2011 to December 2012 as contribution made by the petitioner. However, the fact remains that according to him the amount must be not less than Rs.1,75,000/-, because, every month he has paid Rs.6000/- + Rs.3000/- totally Rs.9000/- in that account, therefore that amount correctly to be calculated and be paid in the G.P.F. account, hence a revised proposal by calculating the correct amount taking into account of the contribution made by the petitioner during the relevant point of time as referred to above may be made and sent to the Accountant General so that the Accountant General can pass necessary orders.

7. I have considered the said submissions made by the learned counsel for both sides and have perused the materials placed before this Court.

8. Now there is no dispute that the petitioner has got the G.P.F. number and continuously paying the contribution therein. However, for the period from July 2011 to December 2012 wrongly it has been paid in T.P.F. number only thereafter that amount has been paid to the G.P.F.

number and for the said purpose, having accepted the said proposal, the respondent Department had sent a proposal to the Accountant General for according sanction. However, the only dispute is that the amount according to the respondents was Rs.18,282/-, whereas it is the contention of the petitioner that it must be more than Rs.1,75,000/- as that much amount of contribution made in the said period.

9. In that view of the matter, this Court is inclined to dispose of this writ petition with the following orders:

> That there shall be a direction to the 2nd respondent i.e. District Educational Officer to verify the claim made by the petitioner as to whether the petitioner made contribution to that much amount i.e. Rs.1,75,000/- and odd for the period from July 2011 to December 2012 towards the G.P.F. account paid wrongly in the T.P.F. account and accordingly calculating the same a revised proposal can be sent by the 2nd respondent to the Accountant General within a period of four weeks from the date of receipt of a copy of this order and on receipt of the same, the Accountant General shall verify the said plea to be made by the 2nd

respondent on behalf of the petitioner and accordingly pass orders according sanction on merits thereon within a period of four weeks thereafter. After such sanction is made, the 2nd respondent or his subordinates can do the needful to pay the said amount in the G.P.F. account as claimed by the petitioner within a period of four weeks on receipt of such order to be passed by the Accountant General.

10. With this direction, this Writ Petition is disposed of. The Registry is directed to forward the copy to the Accountant General, Teynampet, Chennai for necessary action. No costs. Consequently, connected miscellaneous petition is closed.

01.08.2022

Index : Yes / No
Speaking Order : Yes / No
Sgl

To

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2.The District Educational Officer,
Tiruvannamalai,Tiruvannamalai District.

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3.The Director of Elementary Education,
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Chennai – 600 006.
4.The Secretary,
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Education Department, Fort St. George,
Secretariat, Chennai – 600 009.
5.The Accountant General,
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