



W.P(MD)No.25015 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P(MD)No.25015 of 2019

A.Malliga

... Petitioner

Vs.

1.The Commissioner of Municipal Administration,
Chepauk,
Chennai – 600 005.

2.The Commissioner,
Thoothukudi City Municipal Corporation,
Thoothukudi,
Thoothukudi District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the second respondent to provide the arrears of interest for the subscription amount



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deducted from the salary of the petitioner towards the General Provident Fund while in service along with Dearness Allowance Arrears and Vth pay commission arrears and revised Pay Commission Arrears within the time stipulated by this Court.

For Petitioner : Mr.S.Louis

For Respondents : Mr.A.Kannan - for R1

Additional Government Pleader

Mr.N.Ananda Kumar - for R2

ORDER

Heard the learned counsel on either side and perused the materials available on record.

2. The Writ Petitioner was employed in Thoothukudi City Municipal Corporation. She retired on 31.01.2015 and his Provident Fund contribution was disbursed. The interest component was not calculated and disbursed. All that the petitioner seeks is arrears of interest for the subject amount deducted from the salary towards General



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Provident Fund (GPF) while he was in service along with other payment arrears. The attention of this Court is drawn to the order dated 03.12.2018 in W.P(MD)No.23879 of 2018 (*Thoothukudi Nagarachi Managarachi Oyvoothiya Aluvalargal Sangam Vs The Commissioner of Municipal Administration & another*) filed by the association. Paragraph No.4 of the said order reads as follows:

“4. Due to the delay in calculating the interest portion, they are not able to disburse the money, is the reason stated in the communication of the second respondent dated 24.08.2018. Though the reason is not acceptable, but having waited for so long, if some time frame is fixed for the second respondent to disburse the money, it may be satisfied the members of the petitioner's association. Therefore, without going into the merits of the claim, if any GPF amount to be paid to the retired employee of the Thoothukudi Nagarachi Managarachi Oyvoothiya Aluvalargal Sangam, the GPF amount shall be paid not later than four months from the date of receipt of a copy of this order.”



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3. The learned counsel appearing for the petitioner states that appeal was filed against the said order and it was also dismissed.

4. In view of the facts and circumstances of the case and by following the order of this Court stated supra, in the opinion of this Court, the petitioner's case is squarely covered by the aforesaid order.

5. Accordingly, the Writ Petition is allowed with a direction to the respondents to pay the interest amount to the petitioner in four equal monthly installments. The first installment will commence on **01.10.2023**.

6. No costs.

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Index :Yes/No
Internet :Yes/No
NCC : Yes / No

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BATTU DEVANAND, J.

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