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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :23.09.2024

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.23831 of 2024

S.G.Ponnambalam

... Petitioner

Vs.

1.National Institute of Technology,
Rep. By its Registrar,
Trichy – 620 015.

2. The Government of Tamil Nadu,
Department of Secondary and Higher Education,
Rep. By its Deputy Secretary,
Fort St. George, Chennai 600 009

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the 1st respondent to release the GPF amount of the petitioner along with applicable interest in the light of the letter dated 07.07.2023 after deducting the bond amount within the stipulated time.

For Petitioner : Mr.Muthukumar for
Paul and Paul

For Respondents : Mr.K.Srinivasamurthy
SPCCG for R1
Mr.K.Surendran
Additional Government Pleader for R2

ORDER

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This writ petition has been filed for the issue of writ of Mandamus directing the 1st respondent to release the General Provident Fund (GPF) amount to the petitioner along with applicable interest, in the light of the letter dated 07.07.2023, after deducting the bond amount.

2. Heard Mr.Muthukumar, learned counsel for the petitioner and Mr.K.Srinivasamurthy, learned Senior Panel Counsel for Central Government for 1st respondent and Mr.K.Surendran, learned Additional Government Pleader for 2nd respondent.

3. The petitioner was employed as a Professor and by proceedings dated 30.06.2005, his services were terminated with immediate effect. The petitioner approached this Court and filed WP No.2780 of 2015 for directing the 1st respondent to pay the monetary benefits to the petitioner including pension and gratuity till the date of his voluntary retirement on 18.01.2005 under the relevant scheme after deducting the bond amount. This writ petition was contested by the respondents.



4. This Court on considering the rival claims disposed of the writ petition by an order dated 26.06.2022 and the relevant portion is extracted hereunder :-

17. The learned counsel for the petitioner made a submission that the benefits as applicable to the terminated employees are to be settled. In this regard, the learned Senior panel Central Government Standing Counsel appearing on behalf of the second respondent has stated that the bond amount of Rs.1 lakh with interest is yet to be settled by the writ petitioner as per his own undertaking. Therefore, the petitioner has to pay the bond amount of Rs.1 lakh with interest as per the terms and conditions of the bond and in the event of settling the bond amount, the dues, if any as per the Rules for the terminated employees are to be settled in favour of the writ petitioner by the respondents.

5. Pursuant to the above order, the petitioner made a representation to the 1st respondent on 19.12.2022 and requested the 1st respondent to adjust the bond amount from the amount that is due and payable to the petitioner and settle



the balance amount. On receipt of such representation, the respondents were insisting for production of No due certificate and as a result, neither the petitioner was in a position to settle the bond amount with interest nor the respondents were willing to adjust this amount and pay the balance amount to the petitioner. It is under these circumstances, the present writ petition has been filed before this Court.

6. Even when the petitioner was terminated from service, it was made clear that the bond amount together with interest at the rate of 9.5% was ordered to be recovered from the General Provident Fund amount of the petitioner. Pursuant to the order passed by this Court in WP No.2780 of 2015, it was clarified that on the petitioner paying the bond amount with interest, the amount that is due and payable to the petitioner as per the Rules will be settled by the respondents. The petitioner was insisting for adjusting the bond amount with interest from the amount that is due and payable to the petitioner. Whereas, the respondents were insisting for getting the no due certificate. There was a stalemate and nothing proceeded further.



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7. The controversy can be easily resolved by directing the 1st respondent to calculate the entire amount that is due and payable to the petitioner from the date when he is entitled to receive the same till the date of actual payment with interest at the rate of 6% per annum. Out of this amount, the bond amount of Rs.1,00,000/- with interest as per the terms and conditions of the bond can be deducted and the balance amount shall be paid to the petitioner. This process shall be completed within a period of four weeks from today and the amount shall be paid to the petitioner by then.

8. This writ petition is disposed of with the above directions. No costs.

23.09.2024

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
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Note : Issue order copy on 25.09.2024

N. ANAND VENKATESH, J.

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To



1. National Institute of Technology,
Rep. By its Registrar,
Trichy – 620 015.

2. The Government of Tamil Nadu,
Department of Secondary and Higher Education,
Rep. By its Deputy Secretary,
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