



W.P.(MD).No.7594 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.7594 of 2024

S.Selvamani

...Petitioner

Vs.

- 1.The Chief Educational Officer,
O/o. The Chief Educational Officer,
Sivagangai District.
- 2.The District Educational Officer
(Elementary),
O/o. The District Educational Officer
(Elementary),
Devakottai,
Sivagangai District.
- 3.The Block Educational Officer
(BEO-2),
O/o. The Block Educational Officer
(BEO-2),
S.Pudhur Block,
Sivagangai District.
- 4.The Principal Accountant General (A & E),
No.361, Anna Salai, Teynampet,
Chennai-600 018.



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5.The Senior Accounts Officer / FM,
O/o. Principal Accountant General (A&E),
No.361, Anna Salai, Teynampet,
Chennai-600 018.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 3rd respondent to include the missing credits in the petitioner's General Provident Fund Account No.EDN/131758 by considering the representation dated 13.03.2024 within the time period stipulated by this Court.

For Petitioner : Mr.S.Rajasekar

For R-1 to R-3 : Mr.M.Sarangan,
Additional Government Pleader

For R-4 & R-5 : Mr.P.Gunasekaran,
Standing Counsel

ORDER

By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2. The present writ petition has been filed seeking direction to the 3rd respondent to include the missing credits in the petitioner's General Provident



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Fund Account No.EDN/131758 by considering the representation dated 13.03.2024.

3. The brief facts which are necessary for the disposal of this Writ Petition is as follows:-

(i) The petitioner duly joined the respondent Education Department on 26.07.1995 in the post of Secondary Grade Teacher at Government High School Pulithipatti, Sivagangai. Thereafter, he was promoted to the post of Head Master (Middle School) on 02.06.2010 at Panchayat Union Middle School, Dharamapatti. From the date of his appointment, he had been a member of General Provident Fund (GPF) Accounts, his GPF Account No.EDN/131758 and monthly subscription is deducted from the salary and the same would be credited in the respective GPF Account. While so, the 5th respondent issued the petitioner a statement of GPF Account for the year ended 2020-2021 through his proceeding dated 16.07.2021. From the above statement, that there are missing credits in his General Provident Fund Account for the following month and year: 11/1997, 09/1998, 12/2000, 01/2001, 03/2001, 03/2003, 04/2003,



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07/2004, 10/2004, 05/2005, 06/2005, 07/2005, 08/2005, 09/2005, 10/2005, 11/2005, 12/2005, 01/2006, 02/2006 and 03/2012.

(ii) Though the same has been deducted from his salary, the same has not been credited in his GPF Account. Therefore, the petitioner made a representation dated 21.09.2021 to the 3rd respondent to include his missing credits in his GPF Account. While so, the 5th respondent has issued with the statement of GPF Accounts for the year ended 2022-2023 through his proceeding dated 31.08.2023. In view of the same, the said missing credits has not been rectified by crediting eligible amount. Hence, the petitioner again made a representation on 13.03.2024 in this regard. Since the same was not considered by the respondents, the present writ petition came to be filed.

4. Heard, the learned Counsels on either sides. Carefully perused the materials available on record.

5. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondent to



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consider the same on its own merits and pass appropriate orders in one way or other instead of keeping the same pending indefinitely. As such, non-consideration of the representation made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

6. Without going into the merits of this case, this Court hereby direct the 3rd respondent to consider the petitioner's representation dated 13.03.2024 and pass appropriate orders in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7. Accordingly, this Writ Petition stands disposed of. No costs.

26.03.2024

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



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L.VICTORIA GOWRI, J.

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