



W.P.(MD)No.8952 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.04.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.8952 of 2024

Vasu

... Petitioner

Vs.

- 1.The Secretary to Government,
Municipal Administration & Water Supply Department,
Secretariat, Chennai-600 009.
- 2.The Commissioner of Municipal Administration,
11th Floor, Urban Administating Building (Opp. CIBA BLDG 75),
Santhome High Road, MRC Nagar,
Raja Annamalaipuram,
Chennai,
Tamil Nadu-600 028.
- 3.The Regional Director of Municipal Administration,
Ram Popular Road,
Manakavalam Pillai Nagar,
Tirunelveli-627 002.
- 4.The Commissioner,
Aruppukottai Municipality,
Aruppukottai,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the fourth respondent to sanction GPF



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amount of Rs.1,50,000/- to the petitioner by considering the petitioner's GPF Claim Application dated 27.12.2023.

For Petitioner : Mr.R.Murugappan

For R-1 to R-3 : Mr.M.Lingadurai,
Special Government Pleader

For R-4 : Mr.N.Dilipkumar,
Standing Counsel

ORDER

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

2. Mr.M.Lingadurai, learned Special Government Pleader takes notice for respondent Nos.1 to 3 and Mr.N.Dilipkumar, learned Standing Counsel takes notice for the fourth respondent.

3. The petitioner has filed this Writ Petition seeking to sanction GPF amount of a sum of Rs.1,50,000/- to the petitioner by considering his GPF Claim Application dated 27.12.2023.

4. The petitioner, who is working as “Gang Mazdoor in the fourth respondent / Municipality, employed in the year 1987 and he has been



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contributing to the GPF fund and his contribution is being deducted for the past 37 years from the salary of the petitioner. The petitioner has applied GPF loan of a sum of Rs.1,50,000/-, but, the same was not sanctioned to him. Hence, the petitioner has filed this present Writ Petition.

5. The learned Standing Counsel appearing for the fourth respondent would submit that the petitioner was appointed on 12.02.1987 through the Employment Exchange on a monthly wage basis and other allowances. He would further submit that the service of the petitioner has been regularized on 01.08.2004 and hence, the petitioner ought to be brought under CPS Scheme. Once the petitioner is brought to CPS Scheme, his earlier contribution made to the GPF would be merged with CPS and hence, he cannot be given with any loan.

6. Even though the respondents claimed that the services of the petitioner has been regularized only from 01.08.2004 as Gang Mazdoor, no steps have been taken by the respondents from the said date to be placed under CPS Scheme. Since the respondents have not taken any steps to convert the petitioner from GPF Scheme to CPS Scheme till now, the petitioner is allowed to make his contribution to the GPF irrespective of the fact that whether he is



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eligible to be placed under GPF Scheme or CPS Scheme. The petitioner is eligible to get the loan from the contribution made by him under GPF. Since the petitioner has applied the loan for the purpose of his daughter's education expenses, the respondents shall consider the same and sanction with the condition about his eligibility to be placed under GPF Scheme or CPS Scheme within a period of two weeks from the date of receipt of a copy of this order.

7. With the above observation, the Writ Petition stands disposed of.

No costs.

10.04.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
TSG
To

- 1.The Secretary to Government,
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- 2.The Commissioner of Municipal Administration,
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3.The Regional Director of Municipal Administration,
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4.The Commissioner,
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R.N.MANJULA, J.

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