

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 9TH DAY OF SEPTEMBER 2015/18TH BHADRA, 1937

WP(C).No. 8597 of 2008 (W)

PETITIONER(S):

**G.SURESH KUMAR, S/O.GOPALAN,
AGED 34 YEARS, UPPER PRIMARY SCHOOL ASSISTANT
STAFF SECRETARY, NARAYANA VIDYALAYAM A.U.P.SCHOOL
THENKARA, MANNARKKAD, PALAKKAD DISTRICT.**

**BY ADVS.SRI.V.A.MUHAMMED
SRI.K.E.HAMZA**

RESPONDENT(S):

- 1. THE STATE OF KERALA REPRESENTED BY
THE SECRETARY TO GOVERNMENT, GENERAL EDUCATION
DEPARTMENT, SECRETARIAT, TRIVANDRUM.**
- 2. THE ACCOUNTANT GENERAL (A& E)
KERALA, TRIVANDRUM.**
- 3. THE ASSISTANT EDUCATIONAL OFFICER,
MANNARKKAD, PALAKKAD DISTRICT.**
- 4. THE HEADMISTRESS, NARAYANA VIDYALAYAM
A.U.P.SCHOOL, THENKARA, MANNARKKAD
PALAKKAD DIST.**

R,R1-3 BY ADV. GOVERNMENT PLEADER SRI. T.R. RAJESH

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 09-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONERS EXHIBITS

- EXT.P1 COPY OF THE AUDIT OBJECTION.**
- EXT.P2 COPY OF THE LETTER NO. 59740/B3/07/GE OF THE
GOVERNMENT. DATED 30.01.08**
- EXT.P3 COPY OF THE RELEVANT PORTION OF G.O(P) NO.3000/98/FIN.
OF GOVERN. (ALLOWANCES AND OTHER ADDITIONS TO PAY)**
- EXT.P4 COPY OF THE CIRCULAR NO.18/2000/FIN. OF THE
GOVERNMENT.**
- EXT.P5 COPY OF THE INTERIM ORDER OF THIS HON'BLE COURT IN
W.P(C) NO.31885/2004 – U DATED 1.11.04**
- EXT.P6 COPY OF THE INTERIM ORDER OF THIS HON'BLE COURT IN
W.P(C) NO.21164/2005 – T DATED 4.1.06**
- EXT.P7 COPY OF THE INTERIM ORDER OF THIS HON'BLE COURT IN
W.P(C) NO.27800/2005-H DATED 6.7.07.**

RESPONDENTS EXHIBITS: NIL

// TRUE COPY //

P.A TO JUDGE.

SB

K. VINOD CHANDRAN, J.

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Dated this the 9th day of September, 2015

J U D G M E N T

The petitioner has filed the above writ petition in a representative capacity, representing the entire teachers of one Narayana Vidyalayam A.U.P School, Mannarkkad in Palakkad District. The petitioner assails the audit objection at Ext.P1. The controversy is with respect to irregular payment of House Rent Allowance (H.R.A). The staff of the school had been paid H.R.A at rates not applicable to them. The H.R.A paid was said to be one applicable to schools situated within two kilometers of the Taluk Head Quarters.

2. The counter affidavit of the Government also shows that the school was beyond the two kilometer distance. It is also submitted by the learned Government Pleader that Mannarkkad is not a place, which is classified in the C class cities and only

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Rs.100/- can be paid as H.R.A.

3. In any event, the 4th respondent has not been served, since the petitioner has failed to take steps. There can be no effective disposal of the contentions without the 4th respondent being heard. Further, there can be no writ petition filed in a representative capacity representing the entire teachers of the school. In such circumstance, the affected parties shall be entitled to approach the Government for exemption, which has already been sought by the Deputy Director of Education, Palakkad.

The writ petition would stand dismissed, leaving open the contention of all the affected parties.

**Sd/-
K. VINOD CHANDRAN,
JUDGE**

SB

// true copy //

P.A to Judge.