



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P. (MD)No.3376 of 2015 & M.P(MD)No.1 of 2015

S.Arunachalam ... Petitioner  
Vs.

1. The State of Tamil Nadu,  
Represented by the Secretary,  
Finance (Pay Commission) Department,  
Fort St.George,  
Chennai-600 009.
2. The Director of School Education,  
College Road,  
Chennai-06.
3. The Chief Educational Officer,  
Thoothukudi,  
Thoothukudi District.
4. The Chief Educational Officer,  
Tirunelveli,  
Tirunelveli District.
5. The Head Master,  
Government High School,  
Pottal, Ambasamuthram Taluk,  
Tirunelveli District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus, calling for records pertaining to the impugned order in Moo.Mu.No.478/A1/2015, dated 04.02.2015 on the file of the third respondent and quash the same as illegal to the extent of sanctioning the conveyance allowance only with effect from 02.02.2015 and consequently to direct the respondents 1 to 4 to provide the conveyance allowance to the petitioner with effect from the date of appointment i.e., 10.10.2013 within the time stipulated by this court.

For Petitioner :Mr.S.Louis  
for M/S.T.Lajapathi Roy

For Respondents :Mr.V.Muruganandam  
Additional Government Pleader taxes notice



## ORDER

Mr.V.Muruganandam, learned Additional Government Pleader, takes notice for the respondents and by consent of both the parties, the main Writ Petition itself is taken up for final disposal at the stage of admission.

2. Heard the learned Counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

3. The petitioner is aggrieved against the proceedings of the third respondent dated 04.02.2015, whereby the conveyance allowance to the petitioner was granted only with effect from 02.02.2015 and not from the date of the recommendation of the fifth respondent. The petitioner is physically disabled person with 95% of disability. He was appointed to the post of Junior Assistant on 10.10.2013, under the disability category.

4. After joining duty, he made a representation on 05.02.2014, through his Headmaster, seeking for conveyance allowance as per G.O.Ms.No.667, Finance Department, dated 27.06.1989. The Headmaster namely the fifth respondent recommended the claim of the petitioner through proceedings dated 05.02.2014. Based on such recommendation, the present impugned order is passed granting the conveyance allowance to the petitioner, however only with effect from 02.02.2015. A perusal of the G.O.Ms.No.667, Finance Department would show that the allowance shall be granted with effect from the date of recommendation of the concerned medical authorities by the heads of Departments. The proceedings of the District Educational Officer, Thoothukudi dated 17.11.2014, which is made available in the typed set of papers would show that the fifth respondent has made the proposal as early as on 05.02.2014 by enclosing all the relevant Certificates. Therefore as per the above said Government Order, the conveyance allowance ought to be paid to the petitioner from the date of such recommendation namely 05.02.2014. On the other hand such allowance has been ordered to be paid only with effect from 02.02.2015, which in my considered view, is not in accordance with the above said Government Order.

5. Accordingly the impugned order insofar as paying the conveyance allowance only with effect from 02.02.2015, is set aside and consequently the respondents are directed to pay the conveyance allowance to the petitioner with effect from 05.02.2014. The arrears payable to the petitioner shall be paid within a period of four weeks from the date of receipt of copy of this order.

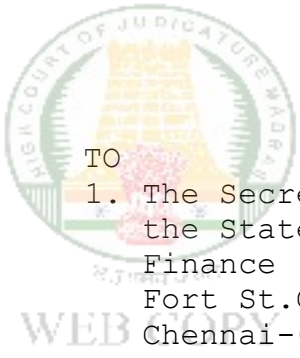
6. In the result, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub- Assistant Registrar



TO

1. The Secretary, to  
the State of Tamil Nadu,  
Finance (Pay Commission) Department,  
Fort St. George,  
Chennai-600 009.

2. The Director of School Education,  
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Chennai-06.

3. The Chief Educational Officer,  
Thoothukudi,  
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4. The Chief Educational Officer,  
Tirunelveli,  
Tirunelveli District.

5. The Head Master,  
Government High School,  
Pottal, Ambasamuthram Taluk,  
Tirunelveli District.

+1cc to Mr.T.LajaPATHIROY, Advocate in SR.No.11889  
+1cc to Special Government Pleader in SR.No.12224

Sm:25.03.2015:3P/8C

W.P. (MD) No.3376 of 2015  
11.03.2015