

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.6327 of 2015

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Between:

1. Shri G. Nagaiah Narsaiah and others.

PETITIONERS

AND

1. State of Telangana, rep. by its Principal Secretary, Finance and Planning Department, Secretariat Building, Hyderabad, and others.

RESPONDENTS

ORDER:

This writ petition is filed challenging the action of the respondents in not considering their representation for issuance of dependency certificate in the prescribed format individually in respect of each Villages of Umdanagar, Medchal and Gundlapochampally on the official letter head with the official seal in original in prescribed format issued by the Ministry of Finance, as illegal and arbitrary.

The facts in brief are that the petitioners claim to be the Central Government Railway employees working in Umdanagar, Medchal and Gundlapochampally Railway stations under the administrative control of the Divisional Railway Manager, (DRM) Hyderabad Division. They claim that as per G.O.(P).No.10 Finance (PC.1) Department, dated 17.01.2008 they are entitled to claim enhanced house rent allowance @ 30%. Further as per the Office Memorandum No.F.2(37)-E.II(B)/64, dated 27.11.1965 of the Government of India, Ministry of Finance (Department of Expenditure) as amended from time to time, they are entitled to claim House rent allowance and city compensatory allowance within a distance of 8 kilometers from the periphery of the municipal limits of a qualified city. One of the requirements under the said Office Memorandum was that a certificate is required to be submitted by each village to the disbursing authorities in the format prescribed by the Ministry of finance. To the said effect the District Collector has issued a Dependency Certificate dated 27.07.2011 to each of the villages of Medchal, Gundlapochampally and Umdanagar duly stating that the said villages are within the distance of 8 kilometers from the periphery of the Deputy Commissioner GHMC, Quthbullapur/Rajendranagar Circle. As the said dependency certificate is not in conformity with the prescribed format, the Deputy

Director Railway Board addressed letter dated 21.08.2012 to the General Manger, South Central Railway, Secunderabad requesting to rectify the same. Thereafter, the Divisional Railway Manager, Hyderabad addressed letter dated 20.06.2013 to the District Collector, Ranga Reddy District stating that the dependency certificate issued earlier is not in prescribed format and requested individual dependency certificates in the prescribed format on the official letter head with the official seal may be issued to the employees, so as to enable them to avail the benefits of House Rent Allowance and City Compensatory Allowance. The petitioners submit that in spite of the fact that they made a number of representations the 3rd respondent no certificates have been issued so far. Hence they have filed the present writ petition.

Heard learned counsel for the petitioners, learned Assistant Government Pleader for Finance and Planning for respondents.

Having perused the material available on record, viz., Office Memorandum and the letters addressed by the Railways to the 3rd respondent, and considering the limited prayer of the petitioners, the 3rd respondent is directed to consider the representation said to have been made by the petitioners on 29.11.2014 and take necessary steps for issuance of dependency certificate in accordance with the relevant Rules, Regulations/Circulars. Since the financial benefit of the employees is involved, the 3rd respondent shall pass necessary orders within a period of eight weeks from today.

With the above observation, the writ petition is disposed of. No costs. As a sequel, miscellaneous petitions, if any, shall stand closed.

CHALLA KODANDA RAM, J.

24th March, 2015
Js.