

In the High Court of Judicature at Madras

Dated : 09.8.2017

Coram :

The Honourable Mr.Justice NOOTY.RAMAMOHANA RAO

and

The Honourable Mr.Justice M.DHANDAPANI

Writ Petition No.15639 of 2010 & MP.Nos.1 and 2 of 2010

R.Natarajan

...Petitioner

Vs

1.State of Tamil Nadu, rep.by its
Special Secretary to Government,
Public Works Department,
Fort.St.George, Chennai-9.

2.The Chief Engineer (Buildings),
Public Works Department,
Chepauk, Chennai-5.

3.The Assistant Executive Engineer,
Public Works Department,
South West Subdivision,
DPI Campus, Chennai-6.

4.The Registrar General,
High Court, Madras.

...Respondents

PETITION under Article 226 of The Constitution of India
praying for the issuance of a Writ of Certiorari to call for the
records of the third respondent pertaining to his
Lr.No.AEE/SW/F-6/3982/C.Notice/2010 dated 24.6.2010 and quash
the same.

For Petitioner :
For Respondents 1 to 3 :
For Respondent-4 :

No appearance
Mr.P.Sivashanmugasundaram, SGP
Mr.Durai Eswar

ORDER

(Order of the Court was made by NOOTY.RAMAMOHANA RAO,J

The writ petition is instituted by a driver of this Court calling in question the order passed by the Assistant Executive Engineer, Public Works Department, South West Subdivision, Chennai on 24.6.2010 directing the petitioner to remove from the property described and mentioned in the said notice namely quarter No.E-24, PWD Quarters, Tod Hunter Nagar, Saidapet, Chennai, within fourteen days from the date of service of the said notice.

2. None appears for the petitioner.

3. However, we have gone through the pleadings set up. While the writ petitioner was a probationer, the Government allotted quarter bearing door No.E-24, PWD Quarters, Tod Hunter Nagar, Saidapet, Chennai, through their G.O.(3D).No.40, Public Works Department dated 15.2.2002. He immediately occupied the said quarter. His probation was declared from 01.11.2002. Hence, the Public Works Department wrote to the Registrar General of this Court to recover the monthly rent of Rs.3,940/- from his salary for the period from 16.2.2002 to 30.10.2002. That was objected to by the petitioner essentially.

4. We are now informed that this amount has since been recovered from the salary of the writ petitioner and remitted to the Government account.

5. The grievance of the writ petitioner appears to be that for a small extent of Government quarter, nearly Rs.4,000/- is sought to be recovered as rent.

6. We see no justifiable reason to interfere with that conclusion. The writ petitioner must thank his stars for having got a Government quarter allotted, when he was still a probationer in the service of this Court as a driver. The Government quarters are not generally allotted to temporary/ad hoc employees or probationers. They are meant for regular servants of the Government. It is their objection that the Government, while passing orders through their G.O.(3D).No.40, Public Works Department dated 15.2.2002, did not realize that the petitioner is only a probationer at that stage. Lest they would not have allotted a quarter at all.

7. We are now informed that the writ petitioner is still continuing in the said quarters after becoming a regular employee of the High Court with effect from 01.11.2002. Since luck favoured him once before in securing allotment of quarter,

he must necessarily pay for the corresponding rent payable at the market rate. Even otherwise, the accommodation with similar facilities and benefits in Saidapet locality even in the year 2002 was not available for a sum of Rs.4,000/-. We do not expect a servant of the High Court to live in an improper accommodation, all the more so if he is a driver, because he has to concentrate a great deal while driving the vehicles of the High Court.

8. Therefore, we see no justifiable reason to interfere in this writ petition. However, due to change of circumstances of the writ petitioner continuing to occupy the same quarter beyond 01.11.2002, the impugned order shall not be given effect to now. Further, the payment of Rs.3,940/- per month recovered from the writ petitioner's salary and remitted to the Government's account shall not be claimed to be refunded to the writ petitioner either.

9. In the light of the above, the writ petition stands disposed of. Consequently, the above MPs are closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1.The Special Secretary to Government of State of Tamil Nadu,
Public Works

Department, Fort.St.George, Chennai-9.

2.The Chief Engineer (Buildings), PWD, Chepauk, Chennai-5.

3.The Assistant Executive Engineer, Public Works Department,
South West

Subdivision, DPI Campus, Chennai-6.

4.The Registrar General, High Court, Madras.

copy to

The Section Officer
Legal Cell,
High Court Madras

+1 cc to the Government Pleader sr 57933

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MP.Nos.1 and 2 of 2010

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