



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 26.02.2018
CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No. 2588 of 2018
and
W.M.P. (MD) . No. 2788 of 2018

S.Nithiyanandam

.. Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Finance (Pay Cell) Department,
Secretariat, Chennai - 600 009.
- 2.The Additional Director General of Police,
& Inspector General of Prisons,
No.6, Whennels Road, Egmore,
Chennai - 600 008.
- 3.The Superintendent of Prison,
Central Prison,
Trichy - 625 010.
- 4.The Superintendent,
Sub Jail,
Lalgudi,
Trichy District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the Respondent Nos. 2 to 4 to disburse the feeding allowance to the petitioner from 1.10.2017, in accordance with the order issued in G.O.Ms.No.306 Finance (Pay Cell) Department, dt.13.10.2017 within a time limit that may be fixed by this Court.

For petitioner
For respondents

: Mr. B.Karunanathi
: Mr. S.Srimathy
Special Government Pleader

O R D E R

Heard the learned counsel appearing for the petitioner as well as the learned Special Government Pleader appearing for the respondents.

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2. The petitioner is working as Chief Head Warder in Sub Jail, Lalgudi, Trichy District. He submitted a representation stating that he should be paid feeding allowance at the rate of

Rs.250/- per day. Since his request was not considered, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner made his submission with reference to the rates set out in G.O.Ms.No.306, Finance (Pay Cell) Department, dated 13.10.2017. No doubt in the said Government Order it has been laid down that the feeding charges for those serving at Chennai in the Prison Department in the cadre of the petitioner are to be paid at the rate of Rs.300/- per day. For those serving other than the Chennai City the feeding allowance per day is Rs.250/-. The petitioner submits that therefore the respondents should be directed to pay feeding allowance to him, in terms of said Government Order.

4. The petitioner has rushed this Court without reading Paragraph No. 2 of the said Government Order. In Paragraph No. 2 of the said Government Order, it is made clear that the rates of various allowances alone are upwardly revised and that the eligibility and other conditions of allowances have not been changed. In the very same Government Order there are references to other Government Orders like G.O.Ms.No.40, Finance (Pay Cell) Department, dt.22.02.2017, G.O.Ms.No.189, Finance (Pay Cell) Department, dt.27.06.2017, and G.O.Ms.No.303, Finance (Pay Cell) Department, dt.11.10.2017. That is why in the counter affidavit also it has been stated that as per the earlier Government Orders, the said amount is to be paid to the personnel deployed during emergencies only. Likewise there is a night duty feeding allowance at the rate of Rs.100/-. In this case, the petitioner is not claiming under those categories. The petitioner was under the erroneous impression that whether he is on night duty or not, whether he is deployed on emergencies or not, he must be paid feeding allowance as per the said Government Order. This impression of the petitioner is totally misconceived. There is absolutely no merit in the writ petition.

5. This Writ petition is dismissed. No costs. Consequently, W.M.P. (MD). No. 2788 of 2018 is closed.

Sd/-

Assistant Registrar(CSIII)

/True Copy/

Sub-Assistant Registrar

To:

- 1.The Secretary to Government, State of Tamil Nadu,
Finance (Pay Cell) Department,
Secretariat, Chennai - 600 009.
- 2.The Additional Director General of Police,
& Inspector General of Prisons,
No.6, Whennels Road, Egmore, Chennai - 600 008.
- 3.The Superintendent of Prison, Central Prison, Trichy - 625 010.
- 4.The Superintendent, Sub Jail, Lalgudi, Trichy District.

+One cc to The Special Government Pleader, SR.No.51600

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ORDER MADE IN

W.P. (MD) No. 2588 of 2018

26.02.2018