



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.3005 of 2018

and

W.M.P. (MD) No.3160 of 2018

V.Kumaran

.. Petitioner

Vs.

1. The Treasury Officer,
Trichy.

2. The Assistant Treasury Officer,
Musiri.

3. The District Collector,
Thiruchirapalli.

4. The Secretary to Government of Tamil Nadu,
Finance Department,
Secretariat,
Chennai

.. Respondents

(R3 and R4 are suo motu impleaded vide
order dated 15.02.2018)

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to forbear the respondents herein from in any way preventing the petitioner from claiming and receiving existing House Rent Allowance of the petitioner in the Grade I-B of Trichy District.

For petitioner	: Mr. Veerakathiravan, Senior Counsel for M/s.Veera Associates
For respondents	: Mr.K.Saravanan Government Advocate

O R D E R

Heard the learned Counsel on either side.

2. By consent of both parties, the main writ petition is taken up for final disposal at the stage of admission itself.



3. The District Collector, Thiruchirapalli and the Secretary to Government of Tamil Nadu, Finance Department, Chennai are suo motu impleaded as respondents 3 and 4.

4. K.Saravanan, learned Government Advocate takes notice for the impleaded respondents also.

5. The petitioner is employed as a Ministerial staff in Arignar Anna Arts College, Musiri. He has been drawing House Rent Allowance (HRA) that is payable to Grade I-B of Grade-II areas. By virtue of implementation of G.O.Ms.No.305, Finance (Pay Cell) Department, dated 13.10.2017, there has been a reclassification of cities/towns. As a result, the Assistant Treasury Officer, Musiri/second respondent has taken the stand that since the College is located in Grade-IV Place, it would come under the category - "unclassified place". The stand of the second respondent is that the College is located in Thathainkarpettai, which is at a distance exceeding 16 Kilometres from Thiruchirapalli City limit. According to the second respondent, it is not possible to pay House Rent Allowance payable to Grade I-B of Grade-II areas.

6. In this regard, it is seen that the first respondent had already written to the District Collector on 29.01.2018, seeking to know if Arignar Anna Arts College, Musiri Taluk will come under Grade I-B or not. The second respondent is yet to furnish his clarification. It is seen that the third respondent may have to get the clarification from the fourth respondent/Government. The petitioner is a Government employee. Therefore, his House Rent Allowance cannot be suddenly downgraded, on account of the delimitation exercise of the Government. In any event, without the Government taking a decision in the matter, the respondents 1 and 2 would not be justified in declining to pay the House Rent Allowance which they have been drawing all along. In these circumstances, the Writ of Mandamus as sought for shall be issued, till the Government takes a decision in the matter based on the letter dated 29.01.2018, seeking clarification. It is made clear that this Court has not given any positive pronouncement with regard to the rights of the parties.

7. With this direction, the Writ Petition stands allowed. No costs. Consequently, W.M.P. (MD). No. 3160 of 2018 is closed.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar



To:

1. The Treasury Officer,
Trichy.
2. The Assistant Treasury Officer,
Musiri.
3. The District Collector,
Thiruchirapalli.
4. The Secretary to Government of Tamil Nadu,
Finance Department,
Secretariat,
Chennai.

+ 1 CC TO M/s.VEERA ASSOCIATES, ADVOCATE IN SR No. 49092
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 49385

KMI

TE/SKN-RSK/SAR-3 : 07/03/2018 : 3P/7C

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