



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.09.2018

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WEB COPY

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P (MD) No.20597 of 2018

and

W.M.P (MD) No18349 of 2018

1.Dr.C.Jayasudha
2.Dr.R.Aishwarya Meenaloshini ... Petitioners

Vs

1. The Director of Health Services,
Office of the Director of Health Services,
DMS Complex, Teynampet,
Chennai.
2. The Deputy Director of Health Services,
Office of the Deputy Director of Health Services,
Collectorate Campus,
Virudhunagar - 626 001.
3. The Block Medical Officer,
Government Primary Health Centre,
Mallankinar,
Virudhunagar District.
4. The Executive Engineer,
Public Works Department,
(Building Construction cum
Maintenance Section),
Collectorate Campus,
Sivagangai-630 562 ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus for a direction to forbear the respondents 2 and 3 from deducting any amount from the salary of the Petitioners towards House Rent and consequently to refund the rent collected for the allotment of the dilapidated house to the Petitioners.

For Petitioners

: T.Lajapathi Roy

For Respondents

: Mr.R.Sethuraman

Special Government Pleader

**ORDER**

The relief sought for in this Writ Petition is to forbear the respondents from deducting the House Rent Allowance from the salary of the Petitioners in respect of the allotted house to them.

2.Mr.R.Sethuraman, learned Additional Government Pleader takes notice for the respondents. By consent of both parties, the Writ Petition itself is taken up for final disposal at the admission stage itself.

3.The Writ Petitioners were working as Medical Officers at Government Primary Health Centre, Mallankinaru, Virudhunagar District. The Government Quarters attached with the Government Primary Health Centre was allotted to the Writ Petitioners. Once the Government Quarters are allotted, then the Officers would not be eligible to draw the House Rent Allowance along with the salary. Accordingly, the House Rent Allowance as applicable was deducted from the salary of the Writ Petitioners. However, the Writ Petitioners have not occupied the Government Quarters in view of the fact that it was in a dilapidated condition and unfit for dwelling purpose. The fact regarding the damaged condition of the Government Quarters was informed by the Writ Petitioners to the higher officials. In spite of that, the House Rent Allowance was being deducted from the salary of the Writ Petitioners. Thus the Writ Petitioners are constrained to move the present Writ Petition.

4.It is further stated that the Government Quarters attached with the Primary Health Centre at Mallankinaru is not fit for dwelling purpose and a Certificate was sought for from the Public Works Department. This being the factum of the case, this Court is of an opinion that by allotting a house which is not fit for dwelling purpose, the authority cannot recover the House Rent Allowance from the salary of the Government Officers. The Writ Petitioners were employed as Medical Officers and therefore, a decent accommodation is certainly to be provided. If a damaged house is provided for a Medical Practitioners, then this Court is unable to understand how Doctors can reside in a damaged house and perform their duties and responsibilities to the satisfaction of the public in general. It is the duty on the part of the Public Works Department to maintain the Government Quarters and made it fit for dwelling purpose and then hand-over the same to the Officers concerned. In the present case, it is stated that the Government Quarters was not fit for dwelling purpose and therefore, the recovery of House Rent Allowance from the salary of the Writ Petitioners is certainly untenable.

5.In this view of the matter, the respondents are directed not



to recover the House Rent Allowance from the salary of the Writ petitioner till the Government Quarters is repaired and made ready for dwelling purpose. As the Petitioners are now residing in rented houses, the House Rent Allowance deducted from them shall be refunded to them from the date of their non-occupation, after ascertaining the fact that the Petitioners are residing there or not.

6. Accordingly, the Writ Petition stands allowed. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The Director of Health Services,
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3. The Block Medical Officer,
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4. The Executive Engineer,
Public Works Department,
(Building Construction cum
Maintenance Section),
Collectorate Campus,
Sivagangai.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 87933
+ 1 CC TO Mr.T.LAJAPATHI ROY, ADVOCATE IN SR No. 87813

VSN

TE/SV/SAR-2 : 23/11/2018 : 3P/7C

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