

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.112020

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.32262 of 2007 &
MP.Nos.1 & 2 of 2007

Dr.M.Murthi

... Petitioner

Vs.

1.The Director,
Government Arignar Anna Memorial
Cancer Hospital,
Karapettai, Kancheepuram 631 552.

2.Junior Administrative Officer,
Government Arignar Anna Memorial
Cancer Hospital,
Karapettai, Kancheepuram 631 552.

3.Executive Engineer
Building Construction and Maintenance
Public Works Department,
Collectorate Complex,
Kancheepuram 631 501.

.... Respondents

Prayer: Petition filed under Article 226 of the
Constitution of India praying to issue a writ of
certiorari to call for the records of the 1st respondent
proceedings in Na.Ka.No.4434/Ka/05 dated 10.04.2006 and quash
the same.

For Petitioner : Mrs.Kovi Ramalingam

For Respondents : Mr.K.Magesh
Special Government Pleader

ORDER

This writ petition has been filed by the petitioner
challenging the order of recovery.

2. Heard learned counsel for the petitioner and the
learned Special Government Pleader appearing for the
respondents.

3. Learned counsel for the petitioner would submit that he has not occupied the quarters allotted to him and therefore, rent deducted by the respondents is not valid under law which warrants interference. It is also contended by the learned counsel for the petitioner that there were some senior officers who have not been allotted quarters and the said quarters is wrongly allotted to the petitioner. Therefore, he is not liable to pay the rent.

4. Learned Special Government pleader appearing for the respondents would submit that the predecessor of the petitioner, one N.Sivakumar was occupied the quarters. Since he was transferred to Chengalpet, the said quarters was allotted to the petitioner who is the next senior most officer.

5. Admittedly, the petitioner has sent his objection to the allotment order dated 10.04.2006. However, the first respondent rejected the said objection stating that quarters are compulsorily allotted to the Civil Surgeons and Civil Assistant Surgeons on the basis of Institutional seniority according to Government orders issued in Government letter No.2457/Health dated 17.12.1982 and hence, the petitioner to whom the post attached quarters are allotted should occupy the same and the rent has to be recovered from the petitioner whether he occupy the allotted quarters or not.

6. After giving careful consideration to the submissions of the learned counsel appearing on either side, this Court is of the considered view that though the petitioner has not physically occupied the quarters allotted to him, he is liable to pay rent and hence, the respondents have every right to deduct the rent from the salary or recover from the petitioner.

7. At this juncture, learned Special Government Pleader appearing for the respondents would submit that already the entire rent was recovered from the petitioner, of course, subject to the result of this writ petition.

8. Therefore under these circumstances, this Court does not find any merit in this writ petition. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Director,
Government Arignar Anna Memorial
Cancer Hospital,
Karapettai, Kancheepuram 631 552.

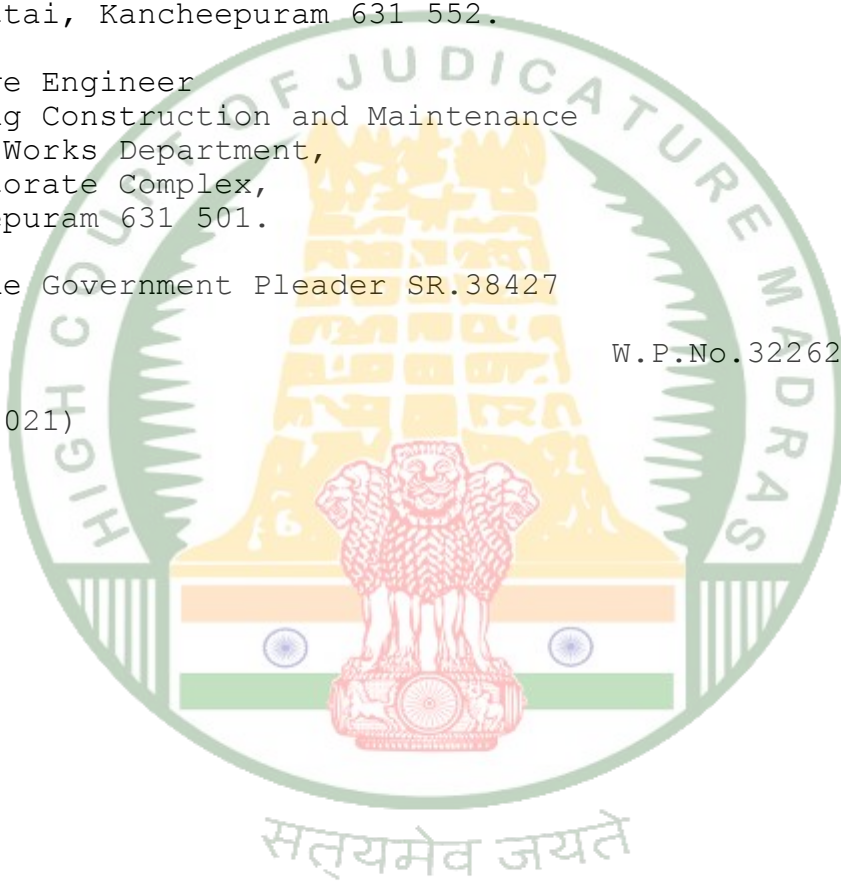
2.Junior Administrative Officer,
Government Arignar Anna Memorial
Cancer Hospital,
Karapettai, Kancheepuram 631 552.

3.Executive Engineer
Building Construction and Maintenance
Public Works Department,
Collectorate Complex,
Kancheepuram 631 501.

+1cc to the Government Pleader SR.38427

W.P.No.32262 of 2007

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