

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 29.01.2021
CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.1709 of 2021

Gulab Chand

... Petitioner

Vs.

- 1.Union of India rep by its Secretary,
Government of India,
Ministry of Defence,
Room No.101, South Block,
New Delhi - 110 011.
- 2.The Director General of Coast Guard,
Coast Guard Headquarters,
National Stadium Complex,
New Delhi - 110 001.
- 3.The Controller General of Defense Accounts,
Ulan Batar Road, Palam,
Delhi Cantt - 110 066.
- 4.The Commander,
Coast Guard Region (East),
Rajaji Salai, Near Napier Bridge,
Chennai - 600 009.
- 5.The Assistant Controller of Defence Account,
Coast Guard Pay and Account Office,
4th Floor Coast Guard OTM Complex,
'C' Block Phase 2 Industrial Area,
Sector 62, Noida - 201 309.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the 5th respondent to consider and pass orders on the representation submitted by the petitioner dated 13.11.2020 requesting to release the arrear in difference of House Rent allowance during the period from 01.07.2017 to 31.03.2019 within a limited time frame as deemed fit by this Court.

For Petitioner : Mr.Jegan Inbarajan

For Respondents : Mr.K.Ramanamurthy

Central Govt. Standing Counsel

O R D E R

Mr.K.Ramanamurthy, learned Central Government Standing Counsel takes notice on behalf of the respondents. By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

2.This writ petition has been filed for a direction to the fifth respondent to consider and pass orders on the representation submitted by the petitioner dated 13.11.2020 requesting to release the arrears of difference in House Rent allowance during the period from 01.07.2017 to 31.03.2019.

3.According to the petitioner, he had entered into the service of Coast Guard as Yantrik (P) on 08.03.1990 and after various promotion, he was finally promoted as Pradhan Sahayak Engineer in the year 2011 and was posted in the field posting (afloat) in ICGS Samudra Paheredar and he voluntarily retired from service on 01.04.2019. While so, as per the recommendations of the 7th Central Pay Commission to the effect that any uniformed personnel posted in field or staying in barracks for functional requirement, are eligible for accommodation anywhere in the country and also for House Rent Allowance of the city, where their dependants are residing, the petitioner unit's Assistant Commandant made an application on 01.04.2019 on behalf of the petitioner, for payment of arrears of difference in House Rent Allowance amounting to Rs.1,15,680/- before the Principal Controller Defence Account (Navy), Mumbai, who in turn, passed an order for payment of the said claim and forwarded it to the 5th respondent for further action, but the same is pending without any progress. After repeated requests made by the petitioner, the 5th respondent sent a communication to the petitioner on 10.08.2020 informing that the matter has been referred to the 2nd respondent for re-examination. Hence, the petitioner made a detailed representation dated 13.11.2020 to the respondents requesting to disburse the arrears of difference in House Rent Allowance. Finding no response on the said representation, he has come up with the present writ petition for the aforesaid relief.

4.Considering the limited relief sought for herein and having regard to the submissions made by the learned counsel on either side, this Court, without going into the merits of the case, directs the respondents to consider the petitioner's representation dated 13.11.2020 and pass appropriate orders on merits and in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order.

5.The Writ Petition is disposed of with the above direction.
No costs.

Sd/-
Assistant Registrar (C.O.)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary,
Union of India
Government of India,
Ministry of Defence,
Room No.101, South Block,
New Delhi - 110 011.
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+1cc to Mr.P.Jegan Inbarajan, Advocate Sr.No.4621

AKM/18.2.21 /3P-7C/

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