



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 12.11.2021**

**CORAM :**

**THE HON`BLE MR.JUSTICE B.PUGALENDHI**

**W.P(MD) No.7825 of 2020**

**and**

**W.M.P(MD) Nos.7303 & 9773 of 2020 and 5047 of 2021**

WEB COPY

D.Aldrin Wilson,  
Office Manager,  
S/o Dhanaraj,  
Government Industrial Training Institute,  
Dindigul.

...Petitioner

Vs.

1.The Secretary to Government,  
Labour and Employment Department,  
Secretariat,  
Chennai - 9.

2.The Director,  
Labour and Employment Department,  
Guindy,  
Chennai - 32.

3.The Principal,  
Government Industrial Training Institute,  
Dindigul.

...Respondents

**PRAYER:** Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, calling for the records connected with the impugned order of recovery passed by the third respondent in Na.Ka.No.1847/A/2013, dated 29.06.2020, quash the same in the light of the letter of the first respondent in Lr.No.30738/p2/2014-1, dated 20.01.2015 and to extend the benefit of G.O.Ms.No.226, Labour and Employment Department, dated 22.11.2019 and in the light of the judgment of this Court in W.A.(MD) No.113 of 2011, dated 09.12.2015 filed by similarly placed Radhamani Thangatchi, Office Manager, Industrial Training Institute, Tirunelveli.

For Petitioner

:Mr.T.Ravichandran

For Respondents

:Mr.R.Suresh Kumar

Government Advocate (Civil)

**O R D E R**

This writ petition is filed challenging the impugned order of recovery of rent for occupation of Government quarters for the period from 09.04.2019 to June 2020, passed by the third respondent in Na.Ka.No.1847/A/2013, dated 29.06.2020. By the impugned order,



the third respondent has claimed the rent for the Government quarters from the petitioner from 09.04.2019 to 31.07.2020.

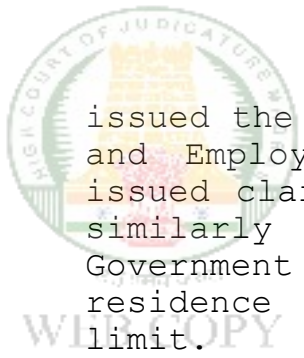
2.The petitioner is working as Office Manager in the Government Industrial Training Institute at Dindigul and he has been transferred from Industrial Training Institute, Trichy to the third respondent Institute in the month of January 2017. He was relieved from the Industrial Training Institute, Trichy on 30.11.2017 and he joined duty at the third respondent office on 01.12.2017. 'C' type quarters fell vacant on 01.03.2018. 'C' type quarters is for the post of office managers and therefore he was directed to occupy the said quarters. The petitioner, by a representation dated 01.03.2018 has expressed his unwillingness to occupy the quarters offered and therefore, the quarters was offered to other staff members and no staff members have come forward to accept the said quarters.

3.The learned counsel for the petitioner would submit that the petitioner's wife is having a house within 8 kms from his office and therefore, he was unwilling to occupy the quarters. He would further submit that since the quarters have been constructed in the year 1966 and the same is in a dilapidated condition and not in a position to occupy. Eventhough, the respondent has offered the quarters to to other staffs, nobody is willing to occupy the quarters. The learned counsel for the petitioner relied on similar order passed by this Court in W.A(MD) No.113 of 2011 and the clarifications issued by the Secretary to Government, Labour and Employment Department letter dated 20.01.2015 in support of his contentions.

4.The learned Government Advocate appearing for the respondents would submit that as per Rule 45(5) of Fundamental Rules of the Tamil Nadu Government, the incumbent of the post, for whose benefit the house has been constructed or purchased or leased out by the government, under the conditions specified in paragraph 265 and 266 of Tamil Nadu Public Works Department Code will be held responsible for the prescribed rent during his tenure of the appointment and therefore the impugned order has been passed as per Rule 45 (5) of Fundamental Rule.

5.This Court heard the rival submissions made by either side counsel.

6.Admittedly, this petitioner was relieved from duty from Industrial Training Institute, Trichy on 30.11.2017 and he joined duty at the third respondent office on 01.12.2017. The quarters fell vacant on 01.03.2018. The petitioner by his representation dated 01.03.2018 had expressed his unwillingness to occupy the quarters. Therefore, the quarters was also offered to other staff members and all other staff members also not willing to occupy the quarters and therefore, the quarters remained vacant. By referring Rule 45(5) of



issued the impugned notification. The Secretary to Government Labour and Employment Department, by its letter dated 20.01.2015, had issued clarification with regard to the allotment of quarters on a similarly placed employee from Chengalpat and the allocation of Government quarters cannot be given, if the individual had a residence within 8 kms at Municipality or 16 kms at Corporation limit.

7.This petitioner claims that his wife is having house within 8 kms from the respondent office and therefore, there is no need to occupy the quarters and he has also submitted a representation on 01.03.2018, on the day of when the quarters fell vacant. More over, the said quarters was constructed in the year 1966 and vide G.O.Ms.No.226, Labour and Employment Department, similar such buildings which were constructed in the year 1966 in the Industrial Training Institute at Ambattur, Paramakudi, Pettai, Tirunelveli and Vellore, which were constructed 50 years ago and they were unfit for human habitat and the officers were exempted from paying rent in those cases. This building was also constructed 54 years ago and also in a dilapidated condition. The petitioner has also submitted certain photographs of the quarters before this Court and this Court is satisfied that the building is not in good condition and not suitable for human habitation. More over, he is having a residence within 8 kms from the respondent office and therefore, as per the clarification of the Secretary to Government, Labour and Employment Department letter dated 20.01.2015, he need not be compelled to occupy the Government quarters. In a similar such case, the Division Bench of this Court in W.A.(MD) No.113 of 2011 has held that the appellant cannot be compelled to pay the rent of the quarters, even though she has not occupied the same.

8. In view of the aforesaid order passed by this Court in W.A.(MD) No.113 of 2011 and the clarification of the second respondent regarding the allotment of Government quarters in letter No. 30738/p2/2014, dated, 20.01.2015 and also considering the condition of the building, the impugned order of recovery of rent for occupation of Government quarters, passed by the third respondent in Na.Ka.No.1847/A/2013, dated 29.06.2020 is hereby quashed. The Writ Petition is allowed. No Costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-III)

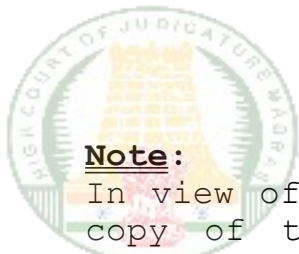
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Sub Assistant Registrar(CS)

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**Note:**

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Secretary to Government,  
Labour and Employment Department,  
Secretariat,  
Chennai - 9.
- 2.The Director,  
Labour and Employment Department,  
Guindy,  
Chennai - 32.
- 3.The Principal,  
Government Industrial Training Institute,  
Dindigul.

+1 CC to M/s.SPL GP (SR-34436[F] dated 15/11/2021 )

**Order made in**  
**W.P(MD) No.7825 of 2020**  
**and**  
**W.M.P(MD) Nos.7303 & 9773 of 2020 and 5047 of 2021**  
**12.11.2021**

SR (CO)  
GC (30.11.2021) 4P 5C