



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.07.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)No.1555 of 2019

WEB COPY

K.Sakthi

... Petitioner

vs.

1. The Principal Secretary to Government,
Health & Family Welfare Department,
Fort St. George,
Chennai - 600 009.

2. The Director of Public Health &
Preventive Medicine,
D.M.S. Compound,
Teynampet, Anna Salai,
Chennai - 600 006.

3. The Deputy Director of Health Services,
Gandhiji Saalai,
Thanjavur - 1.

4. The Block Medical Officer,
Government Primary Health Centre,
Vallam,
Thanjavur District.

... Respondents

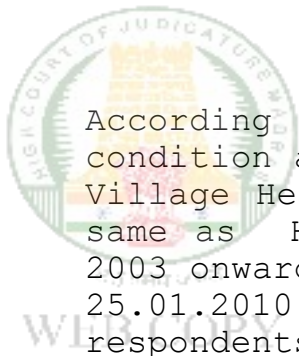
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to repay to the petitioner the House Rent Allowance recovered from the salary of the petitioner from 23.09.2003 to 31.03.2018.

For Petitioner : Mr.R.Prem Narayan
For Respondents : Mr.P.Subbaraj,
Government Advocate

ORDER

The petitioner has filed this Writ Petition seeking for a direction to the respondents to repay the House Rent Allowance recovered from the salary of the petitioner from 23.09.2003 to 31.03.2018 to the petitioner.

2. According to the petitioner, she is working as Village Health Nurse at Government Health Sub Centre, Vilar Village and she was directed to stay at the Government Health Sub Centre, Vilar Village and discharge her duty by residing in the said Centre.



According to the petitioner, the said Centre is in a dilapidated condition and the same is unfit for stay and discharge her duties as Village Health Nurse. Hence, she took a rented house and used the same as Health Sub-Centre as well as her residence from the year 2003 onwards. The petitioner gave representations on 21.01.2010 and 25.01.2010 to the respondents. Pursuant to the same, the respondents 3 and 4 requested the Public Works Department to inspect and give a report. The Junior Engineer (Construction and Maintenance), Public Works Department, inspected the building and gave a report dated 20.10.2010 that the building is unfit for living. According to the petitioner, from 2003 onwards, house rent allowance was deducted from her salary, which is unwarranted, as she was residing in a rental house. Hence, the petitioner gave a representation on 18.04.2018, to repay the rent deducted from her salary and has come out with the present Writ Petition.

3. The respondents have filed counter affidavit. Mr.Subbaraj, learned Government Advocate appearing for the respondents submitted that the petitioner was instructed to stay in the Centre and discharge her duties. When a Government building is available, the petitioner without obtaining prior permission from the authority, on her own, has taken a rented building. In view of the same, the house rent allowance was deducted and the same is valid and legal and the same cannot be repaid to the petitioner and prayed for dismissal of this Writ Petition.

4. Heard the learned counsel appearing for the petitioner, learned Government Advocate appearing for the respondents and perused the materials available on record carefully.

5. Considering the submissions of the learned counsel for the petitioner and the learned Government Advocate and the fact that the petitioner has given representations on 21.01.2010 and 25.01.2010, without deciding the issue on merits, the respondents are directed to pass orders on the representations of the petitioner in the light of the report given by Junior Engineer (Construction and Maintenance), Public Works Department, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs.

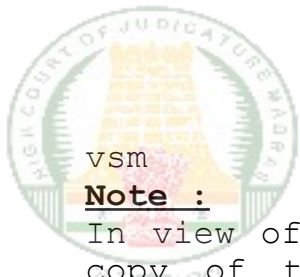
Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



vsm

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 Principal Secretary to Government,
Health & Family Welfare Department,
Fort St. George,
Chennai - 600 009.
2. The Director of Public Health &
Preventive Medicine,
D.M.S. Compound,
Teynampet, Anna Salai,
Chennai - 600 006.
3. The Deputy Director of Health Services,
Gandhiji Saalai,
Thanjavur - 1.
4. The Block Medical Officer,
Government Primary Health Centre,
Vallam,
Thanjavur District.

+1 CC to M/s.SPL GP (SR-22927[F] dated 16/07/2021)

+1 CC to M/s.PREM NARAYANAN, Advocate (SR-23079[F] dated 19/07/2021)

W.P (MD) No.1555 of 2019

15.07.2021

RC (30.07.2021) 3P-7C