



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 04.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.26829 of 2009

Dr.A.Vijayalakshmi

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep. by Secretary to Government,
Health and Family Welfare Department,
Secretariat, Chennai - 600 009.
2. The Director of Medical Education,
Chennai - 600 010.
3. The Dean,
Kanyakumari Government Medical College,
Asaripallam 629 201,
Kanniyakumari District.
4. The Accountant General (A. & E.)
Tamil Nadu, Chennai - 600 018.

... Respondents

Writ petition filed under Section 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the Orders in (1) Ref. No.24708/E1/4/08, dated 19.11.2008 of the second respondent and (2) Ref.No.136/E1/4/08, dated 05.12.2008 of the third respondent, quash the same and issue consequential direction to the respondents to disburse the DCRG payable to the petitioner on her retirement on 30.06.2008 with 18% interest on the delayed payment.

For petitioner : Mr.S.Balakrishnan

For Respondents : Mr.M.Saravanan,
Additional Government Pleader
for R1 to R3
No appearance for R4



O R D E R

This Writ Petition is filed to quash the proceedings in Ref. No.24708/E1/4/08, dated 19.11.2008 of the second respondent and Ref.No.136/E1/4/08, dated 05.12.2008 issued by the third respondent, directing to remit the amount of Rs.8,034/- due to the petitioner towards the rent of the Quarters allotted and water charges.

2. It is the case of the petitioner that the petitioner who was working as an Associate Professor of Biochemistry in Government Medical College, Asaripallam, was retired from service on 30.06.2006 on attaining the age of superannuation. While she was in service, a rental quarters was allotted by the 3rd respondent on 01.10.2007 though she has not applied for the same. In this regard, she made an oral representation on 10.10.2007 followed by a written representation, dated 03.11.2007, requesting the 3rd respondent to cancel the allotment of residential quarters as she was already staying in a rented house. But without considering the said representations, the 3rd respondent issued another proceedings dated 27.12.2007, allotting Quarters No.1/1 from 01.01.2008, to the petitioner. Subsequently, the petitioner attained the age of superannuation on 30.06.2008. At that time, it was informed that the petitioner has to pay an amount of Rs.8,034/- due and payable towards the rent and other charges for the quarters allotted to the petitioner. Challenging the aforesaid order, the petitioner has preferred the present writ petition by raising a ground that the petitioner has never occupied the quarters allotted to her. Hence, the issue regarding the payment of rent to the respondents would not arise at all.

3. The respondents filed a counter affidavit stating that on 30.06.2008, the petitioner submitted a grievance petition to the Health Secretary, through proper channel, requesting that she should be exempted from paying rent and other charges for the quarters allotted as she was never occupied the same. According to the respondents, the allotment of quarters was done on 26.10.2007 w.e.f 01.11.2007 for 12 Professors including the petitioner. However, except the petitioner, all other Professors have occupied the rental quarters allotted. In this circumstance, the petitioner had approached the Dean hardly one week prior to her retirement and informed that she had not received the key of the quarters so far. The 3rd respondent replied that everything was done as per the procedure and hence he has to remit the charges calculated at Rs.8,034/- due towards the rent and other charges of the quarters allotted to her. Therefore, the petitioner is liable to pay the said amount due to the petitioner.



4. It is the contention of the respondents that the petitioner has approached the Dean, 3rd respondent, just one week prior to the date of retirement of her service and informed that she had not received the key of the quarters so far. The alleged representations, dated 10.10.2007, 03.11.2007 are denied by the respondents. The petitioner has also not produced any relevant material or document to prove that she has made representations to the respondents immediately after the date of issuance of the allotment of quarters. She has contacted the respondent only one week prior to her retirement. Hence, the delay is on the part of the petitioner in submitting the representation with regard to the cancellation of allotment of quarters. Therefore, there is no bonafide to accept the contention of the petitioner to quash the order impugned in this Writ Petition.

5. Further, in the counter affidavit, it is stated that the respondents have settled the DCRG amount, due to the petitioner and the same was encashed on 04.12.2010.

6. In view of the above, this Court does not find any reason for interference. The Writ Petition stands dismissed accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vum

To

1. The Secretary to Government,
The Government of Tamil Nadu,
Health and Family Welfare Department,
Secretariat, Chennai - 600 009.
2. The Director of Medical Education,
Chennai - 600 010.
3. The Dean,
Kanyakumari Government Medical College,
Asaripallam 629 201,
Kanniyakumari District.



4. The Accountant General (A. & E.)
Tamil Nadu, Chennai - 600 018.

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+1cc to Mr.M.Ravi, Advocate, S.R.No.544

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VSN II (CO)
PM/25/01/2022