



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 20.01.2022

CORAM :

WEB COPY

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD).No.11163 of 2015

S.Ilango

... Petitioner

Vs.

1.The Director,
Department of Agriculture,
Chepauk,
Chennai-5.

2.The Joint Director (Agriculture),
Salkottai,
Sivagangai.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, directing to call for the proceedings of the second respondent in mep.3/3941/2014 dated 02.05.2014 and quash the same and to direct the first respondent to remit the house rent Rs.24,417/- which was paid by the petitioner on 26.12.2008.

For Petitioner : Mr.Ramu

For M/s.K.Elil Selvi

For Respondents : Mr.D.Sachi kumar

Additional Government Pleader

O R D E R

The petitioner was working as Agriculture Officer at Sakkottai, Sivagangai District in the year 1998. The department allotted Government quarters to the petitioner. The contention of the petitioner is that the Government quarters is in the worst condition without electricity connection, damaged doors and windows, without water supply, dangerous well and damaged walls. Therefore, the petitioner submitted an objection letter to the Development Officer and respondents are directed the petitioner to list out the damages in the quarters. However, no steps were taken to rectify the mistakes. Therefore, the petitioner decided to stay in a different place. The respondents have directed the petitioner to pay the house rent inspite of the fact that the petitioner has not occupied the Government quarters for a period from 2005-2006.

2. The grievance of the petitioner is inspite of the petitioner
<https://hcservices.ecourts.gov.in/hcservices/>



not occupying the place, the respondents ought not to have deducted the house rent allowance to the tune of Rs.24,417/-. Therefore, the petitioner has preferred this writ petition for refund of the amount.

WEB COPY

3. The respondents are not filed counter but there is a written instruction to the Government Pleader wherein it states that the petitioner was serving as Agricultural Officer in Sakkottai Agricultural Development Officer. Due to the nature of the work the government has given an office along with the house. But the petitioner declined to stay there stating the house is not fit for occupation because of damaged doors, windows walls etc. Therefore, the house rent allowance was not deducted from the salary of the petitioner. In the year 2009 the petitioner submitted an application for voluntary retirement and the same was rejected quoting the audit objection that the petitioner is liable to pay the same. Thereafter the petitioner paid the amount, then the audit objection was rectified and he was allowed to retire. The petitioner is liable to pay the amount and the impugned order is legally sustainable.

4. Heard the learned Counsel for both the sides and perused the materials on record.

5. The contention of the petitioner that the previous incumbents have not complained. The building was declared as not fit for occupation in the year 2019 only. But the respondents agreed that there are some damages in the construction, but the respondents state that there were some civil damages. But the contention of the petitioner that the building is not fit for occupation therefore the deduction is illegal. It is seen from the records, there is a report wherein it states the quarters was not fit for occupation from 2019 onwards. The damages of the building would not have occurred all of a sudden. It will be over a period of time and the damage would have started from the year 2005-2006 onwards. Thereafter the building became not fit for occupation in the year 2019. Therefore, to meet the ends of justice the amount ought to be modified. Therefore, this Court is directing the respondents to deduct 10,000/- only and refund the balance amount to the petitioner.

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

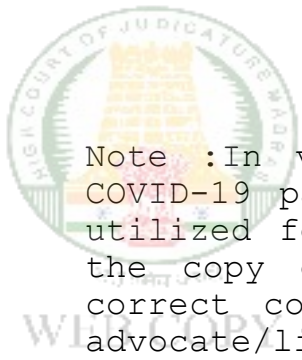
Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



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 Director,
Department of Agriculture,
Chepauk,
Chennai-5.
- 2.The Joint Director (Agriculture),
Salkottai,
Sivagangai.

+1 CC to M/s.SPL.GP (SR-2020[F] dated 21/01/2022)

W.P (MD) No.11163 of 2015
20.01.2022

NSN(CO)
KB(15.02.2022) 3P 4C