



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:31.01.2022

CORAM:

WEB COPY

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P. (MD) .No.21000 of 2018

and

W.M.P. (MD)No.18773 of 2018

Dr.AN.Abinayaa

... Petitioner

VS.

1. Director of Health Services,
O/o. the Director of Health Services,
DMS Complex,
Teynampet,
Chennai.
2. Deputy Director of Health Services,
O/o. the Deputy Director of Health Services,
Collectorate Campus,
Virudhunagar 626 001.
3. The Block Medical Officer,
Government Primary Health Centre,
Kanniseri Pudur,
Virudhunagar District.
4. The Executive Engineer,
Public Works Department,
(Building Construction cum Maintenance Section)
Collectorate Campus,
Sivagangai - 630 562.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 2 and 3 from deducting any amount from the salary of the petitioner towards house rent and consequently to refund the rent collected for the allotment of the dilapidated house to the petitioner.

For Petitioner : Mr.Karthik
for Mr.T.Lajapathi Roy
For Respondents : Mr.A.K.Manikkam
Special Government Pleader



O R D E R

Heard Mr.Karthik, learned counsel for the petitioner and Mr.A.K.Manikkam, learned Special Government Pleader for the respondents.

2. The petitioner seeks Mandamus to the respondents forbearing them from deducting any amount from the salary of the petitioner as rent for allotment of a house to the petitioner, while serving as a Medical Officer in the Primary Health Centre at Avudaiyapuram in Kanniseri Pudur Block on and from 31.05.2018. She was designated as a Medical Officer (Chief) and allotted quarters. Since her salary included a component as rent allowance, the respondents deducted the rent allowance under the head 'Public Works Department Rent' as she had been allotted quarters.

3. However, the allotment became fictitious, since the house was in a dilapidated condition with no facility such as water, electricity or functioning toilets. This is borne out by photographs that have been annexed to the typed set which show the unsanitary and dangerous condition of the house.

4. It is extremely unfortunate that Medical Officers are allotted quarters in such condition and it is in the interest of the State to ensure that the quarters provided are in a habitable condition.

5. Be that as it may, on account of the poor and dilapidated condition of the quarters, the petitioner has admittedly opted for private accommodation and is thus eligible for rent allowance.

6. The petitioner has been enjoying interim protection, by order dated 08.10.2018. However, and admittedly, prior to the grant of interim protection, certain amounts have been recovered from her, which represent the rent allowance due to her.

7. In light of the discussion and conclusion as above, the amount recovered from the petitioner representing rent allowance shall be quantified and paid over to her within a period of four weeks from today.

8. This Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2022

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. Director of Health Services,
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+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-3291[F] dated 01/02/2022)
+1 CC to M/s.SPL.GP (SR-3678[F] dated 02/02/2022)

W.P. (MD) No.21000 of 2018
31.01.2022

SB(CO)
TR(09.02.2022) 3P 7C