



W.P.No.16819 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2023

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THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.16819 of 2012

1. C.Sam George
2. G.Yamuna Kumari
3. J.Mary Metilda
4. C.Sunil Kumari
5. R.S.Vasanth Kumari

... Petitioners

-Vs-

1. The Commissioner of Treasuries and Accounts,
Government of Tamil Nadu,
Chennai - 15.
2. The District Treasury Officer,
Nagercoil.
3. The Sub Treasury,
Karungal,
Kanyakumari District.
4. The Additional Assistant Elementary
Educational Officer,
Munchirai, Pudukkadai (Post),
Kanyakumari District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India praying for the issuance of Writ of Mandamus, directing the first respondent to issue necessary orders to third respondent to disburse the House Rent Allowance with arrears from 01.06.2009 to the petitioners, based on G.O.Ms.No.238,



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Municipal Administration and Water Supply (Election) dated 02.12.2008 and G.O.Ms.No.234, Finance (paycell) Department, dated 01.06.2009.

For Petitioners : Mr.P.Selvaraj

For Respondents : Mr.M.Muthusamy,
Government Advocate

ORDER

This writ petition has been filed for direction directing the first respondent to issue necessary orders to third respondent to disburse the House Rent Allowance with arrears from 01.06.2009 to the petitioners, based on G.O.Ms.No.238, Municipal Administration and Water Supply (Election) dated 02.12.2008 and G.O.Ms.No.234, Finance (paycell) Department, dated 01.06.2009.

2. Pending writ petition, the first petitioner died.

3. The petitioners were working as Teachers and they are entitled for enhanced House Rent Allowance admissible to Grade II places, as per G.O.Ms.238, Municipal Administration and Water Supply (Election) dated 02.12.2008. Accordingly, the Kuzhithurai Municipal Limits was upgraded as secondary grade Municipality. Accordingly, if the persons working place



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comes within the Panchayat Union lies within 8 Kilometres from Kuzithurai

Municipal Limits are entitled to get House Rent Allowance. As per G.O.Ms.No.234, Finance (Pay Cell) Department, dated 01.06.2009, the enhanced House Rent Allowance should be granted to the eligible persons who are within the jurisdiction of Grade II places. Based on the said G.O, the fourth respondent by its proceedings dated 06.07.2010 raised bill for the petitioners in respect of enhanced House Rent Allowance and arrears from 01.06.2009 to July 2010. It was communicated to the second respondent. However, the second respondent sought clarification from the first respondent by the communication dated 22.07.2010. However, it is not clarified even till today.

4. A perusal of the counter filed by the second respondent also revealed that the clarification was sought for from the first respondent to pass bill raised by the fourth respondent. Pending clarification, the proceedings initiated by the District Collector, Kanyakumari was also kept in abeyance. Any revision in the quantum of House Rent Allowance should only be based on the orders of Government in Finance Department which is in turn issued based on the notification issued by the Government of India. The Government orders in G.O.Ms.238, Municipal Administration and Water Supply (Election) dated 02.12.2008 and G.O.Ms.No.234, Finance (Pay Cell) Department, dated



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01.06.2009 are well clear that the Government Servants and Teachers employed are entitled for enhanced House Rent Allowance admissible to Grade II places, if such working places come within Panchayat Union which lies within 8 kilometres from Kuzhithurai Municipal limits.

5. Admittedly, the petitioners were working as Secondary Grade Teachers at the Government Primary School, Ezhudesapatru, Munchirai Range, Kanyakumari District. They are entitled for enhanced House Rent Allowance as per the Government Orders.

6. As per G.O.Ms.No.234, Finance (Pay Cell) Department, dated 01.06.2009 revealed that insofar as the House Rent Allowance is concerned the existing scheme of House Rent Allowance followed in the State with revised slab rates and present classification of cities and towns shall be continued. However, the existing slab rates shall be doubled. The revised rates of House Rent Allowance in the revised pay scales shall be as indicated in the Statements (I) and (II) in Appendix-II. The revised rates of House Rent Allowance shall take effect from 01.06.2009.



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7. In view of the above facts and circumstances of the case, the first respondent is directed to pass appropriate orders in order to disburse the House Rent Allowance with arrears from 01.06.2009 to the petitioners, within a period of four weeks from the date of receipt of a copy of this order. On receipt of the said order, the third respondent is directed to disburse the House Rent Allowance entitled to the petitioners and the legal representatives of the deceased first petitioner.

8. With the above directions, this writ petition is allowed. No costs.

24.08.2023

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order

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G.K.ILANTHIRAIYAN, J.

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To

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