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W.P.(MD)No.15362 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.06.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.15362 of 2016

V.Vaiyanan

... Petitioner

vs.

1.The District Collector,
Tuticorin District,
Tuticorin.

2.The Sub-Treasury Officer,
Thiruchendur,
Tuticorin District.

3.The Head Master,
Arulmighu Senthilandavar Government
Boys Higher Secondary School,
Thiruchendur,
Tuticorin District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the



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records relating to the 1st respondent's proceeding in Na.Ka.K2/1116/2016, dated 26.02.2016, to quash the same and consequently, to fix the Housing Rental Allowance to the petitioner at the rate of Rs.1400/- instead of Rs.1000/- as per G.O.Ms.No.234, Finance (Pay Cell), dated 01.06.2009, from 23.07.2014 within a time frame as fixed by this Court.

For Petitioner : Mr.A.Srinivasan
For Respondents : Mr.P.Thambidurai
Government Advocate

ORDER

This writ petition is filed for issuance of a writ of Certiorarified Mandamus, to quash the 1st respondent's proceeding, dated 26.02.2016 and consequently, to fix the Housing Rental Allowance to the petitioner at the rate of Rs.1400/- instead of Rs.1000/- as per G.O.Ms.No.234, Finance (Pay Cell), dated 01.06.2009, from 23.07.2014 within a time frame as fixed by this Court.



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2.The petitioner was appointed as B.T. Assistant in the Government Higher Secondary School, Thanjavur. The petitioner joined the transferred post to the 3rd respondent School on 23.07.2014. The Thriuchendur Panchayat is 5.2 kilometers from Kayalpattinam Municipality which also lies within the Thiruchendur Panchayat Union. As per G.O.Ms.No.234, dated 01.06.2009, all the Government employees working in Grade II and places around 8 kilometers from its limit are entitled for house rent allowance of Rs.1400/-. But the respondents are paying only Rs.1000/-. Aggrieved over the same, the present writ petition is filed.

3.The learned Government Advocate appearing for the respondents submitted written communication issued by Assistant Treasury Officer, Thiruchendur, wherein it is referred to the Government letter issued in Govt. Letter No.46180 (Allowance) Dept. dated 14.03.2020. In the said



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letter it is stated that “the orders issued by Municipal Administration and Water Supply Department upgrading Municipalities from one grade to another grade based on income has no reference to granting of HRA. housing rent allowance”. Therefore, the very basis of the petitioner's claim itself is erroneous. Therefore, the respondents prayed to dismiss the writ petition.

4. Heard Mr.A.Srinivasan, learned Counsel appearing for the petitioner and Mr.P.Thambidurai, learned Government Advocate appearing for the respondents and perused the records.

5. The learned Counsel appearing for the petitioner relied on G.O.Ms.No.234, Finance (Pay cell), dated 01.06.2009, especially the tabulation annexed to the G.O., in appendix II statement I revised rate of house rent allowances. The said tabulation states places in Grade II and



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places around 8 kms are entitled to the housing rent allowance and the rate is based on the salary also. As per the said table, the petitioner comes under the Serial No.15, wherein the petitioner's salary is at the range of Rs.21580-22139. In such circumstances, the petitioner would be entitled to Rs.1,400/-. However, the respondents have fixed Rs. 1,000/-. However the appropriate authority would be Finance Department to consider the petitioner's claim, but the Finance Department is not a party in this writ petition.

6. Therefore, the petitioner is directed to submit his representation along with G.O.Ms.No.234, Finance (Pay cell), dated 01.06.2009, to the Secretary to Government, Finance Department. Thereafter, the Secretary to Government, Finance Department shall pass an order considering the claim of the petitioner in the light of G.O.Ms.No.234, Finance (Pay cell), dated 01.06.2009, within a period of eight weeks from the date of receipt



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of a copy of this order. Hence, the impugned order is quashed.

7. With the above said observation, the writ petition is allowed.

No costs.

Index : Yes / No

06.06.2023

Internet : Yes

NCC : Yes / No

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To

1.The Secretary to Government,
Municipal Administration and Water
Supply Department,
Fort St.George, Chennai.

2.The Commissioner of Municipal
Administration,
Chepauk, Chennai.

3. Secretary to Government,
Finance Department,
Secretariat, Chennai.



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S.SRIMATHY, J

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