



**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 17.10.2024**

**CORAM:**

**THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

**W.P.No.18635 of 2010**  
**and M.P.No.2 of 2010**

Tamil Nadu Elementary School  
Teachers Federation,  
Rep. by its Perambalur District Secretary,  
JSR Maligai, 158, Bells Road,  
Triplicane, Chennai - 600 005. ...

Petitioner

***versus***

- 1.The State of Tamilnadu,  
Rep. by its Secretary,  
Department of Education,  
Fort St. George,  
Chennai - 600 009.
- 2.The District Collector,  
Perambalur District,  
Perambalur.
- 3.The District Treasury Officer,  
Perambalur,  
Perambalur District.
- 4.The Sub Treasury Officer.  
Perambalur,  
Perambalur District.



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5. The District Elementary Educational Officer,  
Perambalur,  
Perambalur District.

6. The Secretary to Government,  
Finance Department,  
Secretariat,  
Chennai - 600 009.

...

Respondents

[*Suo motu* impleaded R-6 in this writ petition]

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the third respondent District Treasury Officer in Nea.Mu.Ka.No.Na.Ka.5311/2010/E1 dated 28.06.2010 (discontinuing and recovering the House Rent Allowance hitherto paid at the rate admissible for second grade municipality area), quash the same in so far as members of the petitioner Federation at Perambalur (names list annexed) are concerned and further direct the respondents herein to release the House Rent Allowance to the members of the petitioner Federation as it became due on the upgradation of the Perambalur Municipality as Grade -II, (Prayer amended as per order dated 11.09.2024 in W.M.P.No.7483 of 2024 in W.P.No.18635 of 2010)

|                                 |   |                                                      |
|---------------------------------|---|------------------------------------------------------|
| For Petitioner                  | : | M/s.Mary Sowmi Rexi<br>for M/s.P.Godson Swaminath    |
| For Respondent Nos.1 & 5        | : | M/s.E.Ranganayaki<br>Additional Government Pleader   |
| For Respondent Nos.2 to 4 & 6 : |   | Mr.Stalin Abhimanyu<br>Additional Government Pleader |



**ORDER**

The writ petition is filed challenging the order of the third respondent dated 28.06.2010 whereby the payment of House Rent Allowance was discontinued and recovery was sought to be made in respect of House Rent Allowance paid to the Grade-II Municipality.

2. This Court, *suo motu* impleaded “***The Secretary to Government, Finance Department, Secretariat, Chennai - 600 006***”, as the sixth respondent. Mr.Stalin Abimanyu, learned Additional Government Pleader, takes notice for the sixth respondent.

3. It is seen that the petitioner's Association has come up with the writ petition challenging the orders for discontinuing the payment of House Rent Allowance and recovery. Though in service matters, the writ petitions filed by the Association are not maintainable, since the writ petition has been admitted as early as on 17.08.2010 and also further taking note of the fact that the learned counsel appearing for the petitioner submits that even though the writ petition has been filed challenging the impugned orders, they will restrict the claim if a direction is issued to the Government to take a decision in this regard, the claim is dealt with.



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4. It is the petitioner's case that Perambalur District has been formed by Special Government Order notified in the Official Gazette dated 01.10.1995. They have Head Quarters at Perambalur Town. Earlier, Perambalur Town was classified as Grade-III Municipality by the Municipal Administration. Subsequently, by G.O.(Ms.)No.136, Municipal Administration and Water Supply Department, dated 15.11.2006, Perambalur Municipality was upgraded from Grade-III to Grade-II Municipality.

5. In view of the upgradation of the Municipality from Grade-III to Grade-II, the House Rent Allowance is applicable to the Government employees and teachers employed in Perambalur Municipality. Pursuant to the upgradation, the second respondent / District Collector issued *vide* proceedings dated 22.09.2009, notified that Perambalur, Alandur, Veppur and Veppanthattai Panchayat Unions of Perambalur Municipality were located with a radius of 8 kms and hence entitled to the House Rent Allowance as admissible to Grade-II Town. Based on which, the third respondent, by proceedings dated 25.09.2009, directed the fourth



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respondent to disburse the House Rent Allowance as admissible to Grade-II Municipality to the Government employees working in Perambalur District and accordingly, the House Rent Allowance at the rate of Grade-II Municipality has been disbursed to the Government employees with effect from 15.11.2006.

6. However, since the necessary permission has not been accorded by the Finance Department, impugned order came to be passed for recovery of the House Rent Allowance paid as applicable to the Grade-II Municipality. Challenging the impugned order, the present writ petition has been filed.

7. The third respondent has filed a counter affidavit wherein it is stated that the District Collector, Perambalur, by letter *vide* his proceedings in Na.Ka.No.A4/10480/2010, dated 20.07.2010, addressed to the Secretary to the Government, Finance Department (impleaded 6<sup>th</sup> respondent) sought for necessary orders for payment of the House Rent Allowance at the rate applicable to Grade-II for Perambalur Municipality and the same is pending with the Government.



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8. Further, the third respondent in para 14 of the counter affidavit has stated that the enhanced House Rent Allowance was admitted by them and paid in view of G.O.(Ms.)No.772, Finance Department, dated 22.08.1986. However, later, it came to the knowledge that the enhancement of the House Rent Allowance could be made only on the notification of the competent authority, i.e. the Finance Department.

9. The learned counsel for the petitioner confines the prayer in the writ petition and submits that they will be satisfied if a suitable direction is issued to the sixth respondent to take a decision in this regard, as proposals have been sent to them as early as in the year 2010.

10. The learned Additional Government Pleader for the respondents has no serious objection in this regard for a direction to be issued to the sixth respondent to consider the proposals submitted on merits and in accordance with law.



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11. Taking note of the above submissions and the averments made by the third respondent in the counter affidavit, it would suffice to direct the sixth respondent to consider the proposal submitted by the District Collector on 20.07.2010 and also any further representation to be given by the petitioner in this regard in respect of allowing the House Rent Allowance to be paid as applicable to Grade-II Municipality and pass orders on merits and in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

12. With the above directions, this Writ Petition stands *disposed of*. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

**17.10.2024**

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To  
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W.P.No.18635 of 2010



**G.ARUL MURUGAN, J.**

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