



W.P.No.13996 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2024

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

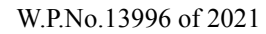
W.P. No.13996 of 2021

Poornima

... Petitioner

/vs/

1. The Chief Medical Officer,
Govt. General Hospital,
Kottakari, Gummidipoondi,
Gummidipoondi (TK),
Tiruvallur (Dt),
Pin – 601 201.
2. The Joint Director of Health Services,
Tiruvallur (Dt),
Pin 601 201.
3. Assistant Engineer,
Office of the Assistant Engineer, PWD,
Buildings (C&M) Section,
Medical Works, Ponneri,
Thiruvallur – Sirunavur,
Thiruvallur.
4. The District Collector,
Thiruvallur.



... Respondents

For Petitioner	...	Mr.K.S.Jeyaganeshan
For Respondents	...	Mr.M.Rajendran Additional Govt. Pleader

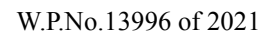
The petitioner who is a Staff Nurse has filed this Writ of Mandamus to direct the respondents 1 and 2 to stop deducting the rent from the her salary and refund the rent already deducted from her salary from the year 2010 till date, with interest at the rate of 18% and to cancel the allotment of the quarters made to her.



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2. Mr.K.S.Jeyaganeshan, the learned counsel for the petitioner, submitted that the petitioner has been allotted with Quarters No.12, Gummidipoondi Government Servants Quarters and the rent for the said quarters is being deducted from her salary; the quarters is not fit for occupation in view of its poor condition; the petitioner was not in occupation of the same; her repeated request to the authorities to effect repairs also did not evoke any response; hence the petitioner claimed that the respondents are not entitled to deduct rent for the quarters and they are liable to refund the rent deducted so far from her salary from the date of allotment; further, the quarters is only meant for X-ray Technicians and hence, the respondents are not entitled to deduct rent for the quarters which is not meant for Nurses.

3. Even according to the submission of the petitioner, she has been allotted with the quarters from 04.08.2010. Even though the petitioner has stated that the quarters is unfit for occupation, she has not given any written request for declaring the said quarters as unfit for occupation and to surrender the same on that certificate. In her letter dated 02.06.2017, she



4. Mr.K.S.Jeyaganeshan, the learned counsel for the petitioner, drew the attention of this Court to a newspaper report dated 12.02.2020, wherein a news has been reported about the dilapidated condition of the quarters allotted to the Nurses and their plight to maintain the quarters by spending money from their own pocket.



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5. It was the petitioner's choice either to occupy the quarters by undertaking necessary repairs by spending money from her own pocket or alert the authorities to declare the status of the building as 'unfit' for occupation and surrender the same. The petitioner's first written representation as available on record is seen only on 02.06.2017 and in which it is stated that she had given petitions on several occasions but the authorities did not take any action so far.

6. From the counter filed by the first respondents, it is stated that the quarters was not in a dilapidated condition. It is surprising to see such a counter filed by the first respondent when the authorities themselves admitted vide their letter dated 07.09.2020 addressed to the Joint Director of Health Services that Staff Quarters No.12, 13 & 14 are in dilapidated condition and they are unfit for occupation. The counter of the first respondent cannot be considered as an objection unless it specifies the real facts and circumstances involved in the case. So the above attitude of the first respondent would only show his indifference to the request made by the Staff like the petitioners, though there are repeated requests.



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7. Since the petitioner is working with the first respondent, she has got no other option except to address letters through the first respondent.

At this point of time, it is not possible to trace the letters addressed by the petitioner to the first respondent unless the first respondent is fair enough to produce the entire file. But the indifference that is patent from the counter filed by the first respondent would show that the first respondent was not diligent or considerate to the grievance of the staff members and the matter has escalated to the level of allowing the petitioner to file the writ petition seeking reliefs from the Court.

8. Since the petitioner was compelled to stay outside in view of the dilapidated condition of the quarters and about which the authorities did not care to attend, it is unfair on the part of the first respondent to deduct the rent from the salary of the petitioner. The Government is not entitled to collect rent for those services which are not fit for occupation of their own staff. Hence, I feel the respondents should be directed to stop deducting the rent from the petitioner's salary and refund the rent which was deducted from the petitioner.



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9. Accordingly, this Writ Petition is allowed and the first and second respondents are directed to stop deducting the rent from the petitioner's salary and refund the rent which was deducted from the petitioner salary from 04.08.2010 to till date, with interest at the rate of 6% and further to cancel the allotment of quarters made in favour of the petitioner. No costs.

24.01.2024

Index: Yes / No

Speaking order / Non-speaking order

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R.N.MANJULA ,J.

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To:

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Chennai – 600 009.

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