



WEB COPY



W.P.No.9965 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.9965 of 2024
and W.M.P.No.10994 of 2024

T.Tamilselvi

.. Petitioner

Versus

1. The Principal Secretary/Commissioner of Rural Development & Panchayat Raj (Training),
Panagal Building, Saidapet, Chennai - 600 015.
2. The Director,
Rural Development & Panchayat Raj,
Panagal Building, Saidapet, Chennai - 600 015.
3. The Additional Director/Principal,
Regional Institute of Rural Development & Panchayat Raj, Krishnagiri Dam, Krishnagiri, Tamil Nadu. .. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Certiorari by calling for the records of the 3rd respondent in its order Na.Ka.En.1008/2022/Pa.1, dated 16.02.2024 and quash the same.

For Petitioner : Mr.V.Vijayshankar

For Respondent : Mr.Stalin Abhimanyu,



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Additional Government Pleader

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ORDER

This Writ Petition is filed seeking to quash the order of the third respondent, dated 16.02.2024.

2. The petitioner is working as an Accounts Officer under the respondents. While so, she is permitted to reside in Room No.3 of the hostel meant for the trainees. It is the case of the petitioner that no other quarters or other official accommodation has been allotted to her. Therefore, the petitioner has been receiving House Rent Allowance at Rs.3,200/- per month as per the applicable rates.

3. While so, suddenly, the respondents have stated that since the petitioner has been residing in Room No.3 of the hostel, the entire amount paid to her as House Rent Allowance is to be deducted and accordingly, passed an order of recovery for a sum of Rs.85,063/-.

4. *Mr.V.Vijayashankar*, learned Counsel for the petitioner would submit that firstly, the petitioner has not been allotted any quarters or



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Government accommodation. As such, she is entitled to House Rent Allowance. If at all any rent has to be paid for the rooms in the training hostel, it is only that rent which can be collected. Considering the fact that the hostel is empty, no rent is being collected from the petitioner as well as the other similarly placed officers who are staying there. Throughout all the other five institutes in the State, the officers working there are permitted to stay in the hostel and all of them receive House Rent Allowance and no recovery has been passed and for the petitioner alone, the impugned order was passed.

5. Per *contra*, Mr.Stalin Abhimanyu, learned Additional Government Pleader for the respondents, based on the instructions, would submit that the petitioner did not apply for any quarters. Secondly, when she is in the accommodation provided by the respondents, she cannot receive the House Rent Allowance at the same time. He would further submit that the recovery is not made after a belated period and is made only from October, 2022 onwards. Therefore, the impugned order is as per the law.



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6. I have considered the rival submissions made on either side and perused the material records of the case.

7. Firstly, it can be seen that the order impugned in the Writ Petition orders the payment of Rs.85,063/- by the petitioner and accordingly, visits the petitioner with civil consequences. Before the passing of the impugned order, no show-cause notice whatsoever has been given to the petitioner. The impugned order does not refer to any such notice or opportunity being given to the petitioner. Even in the written instructions submitted to the learned Additional Government Pleader, no such plea is made that any opportunity was granted to the petitioner.

8. In that view of the matter, for sheer non-compliance of the principles of natural justice, the impugned order cannot be sustained. The other contentions raised by the learned Counsel for the petitioner that the petitioner would still be entitled to the House Rent Allowance inspite of staying in the hostel and that similar facilities are given to all the other employees and no action has been taken in other cases, can be specifically



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taken in the explanation that can be given by the petitioner as and when the respondents issue show-cause notice.

9. In view thereof, this Writ Petition is disposed of on the following terms :-

(i) The impugned order of the third respondent, dated 16.02.2024 shall stand quashed;

(ii) The respondents shall be at liberty to initiate fresh proceedings by issuing show-cause notice and affording an opportunity to the petitioner and the petitioner shall submit due explanation and in that event, all the contentions of the petitioner are kept open and it would be open for the respondents to decide the matter in accordance with law as per the rules and procedure;

(iii) There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

10.04.2024

Index : yes
Speaking order
Neutral Citation : no
grs

To



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