



W.P.(MD)No.9015 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :12.04.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.9015 of 2024

The Correspondent,
St.Ignatius Convent Higher Secondary School,
Palayamkottai-627 002,
Tirunelveli District.

.. Petitioner

Vs.

1. The Principal Secretary to Government,
Finance Department,
Fort. St. George,
Chennai.

2. The District Collector,
Tuticorin District,
Tuticorin.

3. The Sub - Treasury Officer,
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



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the records relating to the 1st respondent's proceeding in GO(Pa) No.348 dated 22.12.2023 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 to 23.01.2019.

For Petitioner : Mr.A.Srinivasan

For Respondents : Mr.J.Ashok
Additional Government Pleader

ORDER

This writ petition has been filed for issuance of a Writ of Certiorarified Mandamus to quash the 1st respondent's proceeding in GO(Pa) No.348 dated 22.12.2023 consequently direct the respondents to fix the House Rent 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 to 23.01.2019.

2. By consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.



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3. Heard Mr.A.Srinivasan, learned counsel appearing for the petitioner and Mr.J.Ashok, learned Additional Government Pleader appearing for the respondents.

4. The petitioner, who was appointed as a BT Assistant at Government Higher Secondary School, Madukkur, Thanjavur District on 03.10.2005; subsequently promoted as Post Graduate Assistant (Biology) and thereafter transferred to Tiruchendur as Post Graduate Assistant Teacher, claims that he is entitled to HRA of Rs. 1400/- but the first respondent is allowed only Rs.1000/- towards House Rent Allowance. According to the claim of the petitioner, the pay band applicable to him is Pay Band No.15 of G.O.Ms.No.234 Finance (Pay Cell) Department, dated 01.06.2009 wherein the petitioner's salary is at the range of Rs.21580-22139.

5. However, Mr.J.Ashok, learned Additional Government Pleader submitted that the petitioner's pay band as on 01.01.2006



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has been taken into consideration as per the above Government Order and accordingly the first respondent has taken into consideration of Pay Band No.12 and awarded Rs.1000/-.

6. However, it is seen from the Appendix with regard to the revised rate of House Rend Allowance, Rs.1000/- is permissible for places in Grade II and Rs.1400/- is permissible for places in Grade II and other places around 8 kms from town limits.

7. The petitioner claims that the place Tiruchendur is within 8 kms from the township of Kayalpattinam and hence he should be given with Rs.1400/- as HRA.

8. The statement of Appendix-II of the above said Government Order shows that for the "Places in Grade II and places around 8 kms from town limit", HRA was fixed at Rs.1400/- as against the petitioner's pay range. So there is no doubt with regard to the fact that Kayalpattinam comes under the Place Grade II



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Municipality. Hence, the first respondent ought to have granted Rs. 1400/- to the petitioner instead of granting Rs.1000/- towards House Rent Allowance. Since the impugned order has been passed by misconstruing the details given in the Appendix-II of the above of G.O.Ms.No.234 Finance (Pay Cell) Department, dated 01.06.2009, it is liable to be set aside.

9. In the result, this writ petition is **allowed** and the impugned order of the 1st respondent in G.O(Pa) No.348 dated 22.12.2023 is set aside. The first respondent is directed to 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 of a copy of this order. No Costs.

12.04.2024

NCC :yes/no
Index :yes/no
Internet:yes/no
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R.N.MANJULA, J.

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To

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