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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.04.2025

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.12123 of 2025

and

W.M.P.Nos.13685 & 13688 of 2025

N.Senthil Kumar

.. Petitioner

Vs.

1.The Accountant General

No.361, Anna Salai,
Chennai – 600 018.

2.The Chief Educational Officer,
Salem District.

3.The District Educational Officer,
Salem District.

4.The Headmaster,
Government Girls Higher Secondary School,
Attur Taluk,
Salem District.

.. Respondents

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 order dated 04.03.2025 in



Na.Ka.No.1566/A5/2024 passed by the 2nd respondent and to quash the same as illegal and consequently, direct the respondents to continue to pay conveyance allowance to the petitioner.

For Petitioner .. Mr.A.Rajkumar

For R2, R3 & R4 .. Ms.S.Mythreye Chandru, SGP

For R1 .. Mr.P.Mano Rajan, Standing Counsel

ORDER

This Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking records relating to an order dated 04.03.2025 passed by the 2nd respondent / Chief Educational Officer, Salem and to quash the same. The petitioner seeks a direction that the respondents must continue to pay conveyance allowance to him owing to his disability, which he had suffered in an accident and also seeks that recovery should not be effected.

2.In the affidavit filed in support of the writ petition, it had been sated that the petitioner, a graduate teacher in the 4th respondent school, had suffered injuries owing to an accident which he had met in January 2017. At



that time, the injuries were assessed as 40% disability. He was issued with an Unique Disability ID card by the Government of India. He claimed that he was, therefore, eligible to receive conveyance allowance. This particular allowance was sanctioned by the Headmaster of the 4th respondent school, who is not competent to so declare that the petitioner was entitled for conveyance allowance. The 4th respondent should have forwarded the relevant records to the competent authority to actually examine and pass orders whether the petitioner is eligible to receive the conveyance allowance. Now the impugned order had been issued after it had been determined that the 4th respondent had, without jurisdiction granted such allowance.

3.The learned counsel for the petitioner claims that the said issue had also been entered in the service register, but that would not wipe away the fact that the 4th respondent who is not competent to grant such allowance had actually sanctioned the allowance.

4.The learned Special Government Pleader who had taken notice for the 2nd, 3rd and 4th respondents stated that the petitioner should now get



himself evaluated with respect to his disability as on date and regularize the entire issue. The learned Special Government Pleader drew notice of this Court to G.O.Ms.No.318 Finance (Allowance Department) dated 22.12.2015, which stipulates as follows:

“4.The Government, after careful consideration of the proposals of the Principal Secretary / State Commissioner for Differently Abled, direct that the delegation of power conferred on the Heads of Departments of the Government Departments may be delegated to the District Level Officer of those Departments to sanction the Conveyance Allowance to the Differently Abled Government Servants in accordance with the conditions stipulated in G.O. cited in above ref.1”

5.It would only appropriate that the petitioner is assessed by the District Level Officer of the Department who had been granted authority to sanction conveyance allowance to Differently Abled Government Servants.



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6. Let this assessment be done. If it is found that the petitioner actually continues to suffer disability, then he is entitled for continuation of conveyance allowance. But however, if it is found that the petitioner had recovered from the injuries, then he is not entitled for the allowance. It would only be in the interest of the petitioner that such assessment is made voluntarily before the District Level Officer, who is competent to sanction the conveyance allowance within a period of three weeks from the date of receipt of a copy of this order and necessary determination is made whether the petitioner is entitled to receive conveyance allowance. The entire exercise must be completed within a period of six weeks from the date of receipt of a copy of this order.

7. If the petitioner is not physically disabled to the extent that conveyance allowance should not be paid to him, then the respondents are entitled to recover the amount already paid. But however, if it is found that he is entitled for the conveyance allowance, the same must be continued to be paid to him.



8.The impugned order is, therefore, set aside with the aforesaid directions. This Writ Petition stands disposed of. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

07.04.2025

Index:Yes/No
Internet:Yes/No
smv

To

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C.V.KARTHIKEYAN,J.

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