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**(2006) 03 MAD CK 0346**

**In the Madras High Court**

**Case No :** Writ Petition No. 37856 of 2005 and Q.A. No. 744 of 1997

C. Lawrence Victor

APPELLANT

Vs

State of Tamil Nadu

RESPONDENT

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**Date of Decision :** 29-03-2006

**Acts Referred:**

**Citation :** (2006) 03 MAD CK 0346

**Hon'ble Judges :** K. Suguna, J

**Bench :** Single Bench

**Advocate :** S. Mani, for the Appellant; V. Subbiah, AGP, for the Respondent

**Final Decision :** Allowed

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## **Judgement**

K. Suguna, J.—The Writ Petitioner has initially filed O.A. No. 744 of 1997 on the file of Tamil Nadu Administrative Tribunal, Madras, challenging the orders of the first Respondent dated 16-2-1995 and 26-5-1995 and the same has been transferred to the file of this Court and renumbered as Writ Petition No. 37856 of 2005.

2. In the year 1976, by an order of the Accommodation Controller, the Petitioner was allotted the premises in Door No. 23, Sait Colony, 1st Street, Egmore, Madras-8, at the rate of Rs. 62/- per month by way of rent. But, in the year 1981, the landlady filed a petition for fixing the fair rent, wherein, the rent has been fixed as Rs. 305/- per month. Against which, the landlady filed an Appeal in R.CA. No. 439 of 1982, in which, the fair rent has been enhanced to Rs. 357/- and the same has been further enhanced in C.R.P. No. 3250 of 1983 as Rs. 850/- per month. Basing on this, the second Respondent by order dated 12-8-1988 has directed the Petitioner to pay the enhanced rate of rent with effect from April 1989. The Petitioner being a Government Servant, in order to meet the increased fair rent, has submitted a representation dated 30-9-1991, to pay him an additional House Rent Allowance, which has been rejected by the order of the first Respondent dated 16-2-1995. The same has been communicated to him by

the order of the second Respondent dated 26-5-1995. Challenging the same, the applicant/ Petitioner has filed the above Original Application/Writ Petition.

3. According to the Learned Counsel for the Petitioner, basing on his salary and other things alone the Accommodation Controller has allotted the house and since, the rent for the said premises has been fixed as Rs. 62/-per month, he has accepted the same. But, subsequently, the same has been enhanced to Rs. 850/-per month, hence, he is eligible for the additional House Rent Allowance.

4. Admittedly in the year 1989, when the Government of Tamil Nadu has issued the 5th Pay Commission in G.O. No. 666 dated 27-6-1989, the Government itself has passed the following order under Clause 15 of the said G.O.

15. The Government also accept the recommendation of the Pay Commission and direct that the Government employees occupying houses provided by Accommodation Controller and who pay rent above the rate of rent prescribed for occupying Government quarters be allowed such amount in excess of the rent prescribed for occupation of Government quarters as House Rent Allowance.

5. As per the above said G.O., the Petitioner is eligible for the excess rate of rent prescribed for occupation of the said premises, which has been allotted to him by the Accommodation Controller. As such, the Petitioner is eligible to get the rent, which is in excess over and above the House Rent Allowance with effect from 27th June 1989. For the period from January 1988 to 26th June 1989, the Petitioner is not eligible for the excess rent as fixed in the Fair Rent proceeding. To this extent, the Writ Petition is allowed. No order as to costs.