

(1968) 04 MAD CK 0027
In the Madras High Court

Corporation of Madras

APPELLANT

Vs

Rathan Singh and Others

RESPONDENT

Date of Decision : 08-04-1968

Acts Referred:

Industrial Disputes Act, 1947 — Section 33C

Citation : (1969) 2 LLJ 156

Hon'ble Judges : P.S. Kailasam, J

Bench : Single Bench

Judgement

P.S. Kailasam, J.—These two writ petitions are filed by the Commissioner, Corporation of Madras, for the issue of writs of certiorari calling for the records of the labour court in C.P. Nos. 459 and 460 of 1966 and to quash its order dated 27 July 1966, directing payment of house-rent allowance to respondent 1 in each of these petitions. Both these respondents who are employees" of the Corporation of Madras filed two Claim petitions u/s 33C(2) of the Industrial Disputes Act to the labour court. Both the petitions were taken up and disposed of together by the labour court, Rathan Singh, respondent 1 in Writ Petition No. 109 of 1967, and Ethiraj, respondent 1 in Writ Petition No. 110 of 1967, were both appointed by order dated 12 July 1958, as boat syrang and watchman respectively by the Corporation. As per the recommendations of the Pay Commission, the Corporation employees, including these two respondents, are entitled to the house-rent allowance. But the plea of the Corporation is that by the nature of their work, the two respondents are expected to stay in the quarters furnished by the Corporation and therefore, they are not entitled to claim the house-rent allowance. After occupying the official quarters assigned to them for about a month, both the respondents vacated and, claimed house-rent allowance at the rate of Rs. 7 till 31 March 1964 and at Rs. 12 thereafter on the basis of the recommendations of the Pay Commission. The Assistant Engineer, Water Works Department, Corporation of Madras, was of the view that when quarters are provided for the employees, they cannot refuse to occupy it and claim the house-rent allowance. The respondents were informed accordingly by a

memorandum dated 27 December 1962. In December 1983, the respondents renewed their petitions for payment of house-rent allowance. But again by the memorandum dated 19 February 1964, these two respondents were informed that no house-rent allowance will be granted to them. Subsequently, in November 1964, their request was again turned down. Hence the matter was taken before the labour court.

2. In the rules relating" to conditions of service of the Corporation employees, there is no provision requiring the respondent-employees to stay in the quarters assigned to them by the Corporation. In the absence of such a condition, the respondent-employees are not bound to occupy the quarters. In 1962 and 1964 when these respondent made their claim, they were directed to occupy the quarters intended for them. But there is no condition in the rules relating to the service of the respondents that they should occupy the quarters and that in lieu of their occupation of the quarters, the house-rent allowance will not be allowed. In the absence of such rules, the respondents cannot be directed to occupy the quarters assigned to them and lose the house rent allowance.

3. The order of the labour court, is, therefore, correct and these petitions are dismissed.