



2026:KER:38849

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

&

THE HONOURABLE MR. JUSTICE BASANT BALAJI

WEDNESDAY, THE 3RD DAY OF JUNE 2026 / 13TH JYAISHTA, 1948

OP (CAT) NO. 60 OF 2021

**AGAINST THE ORDER DATED 04.08.2021 IN OA NO.13 OF 2020 OF
CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH**

PETITIONER/APPLICANT IN O.A.:

**ANISH KUMAR.S, AGED 42 YEARS, S/O. SASIDHARAN N.,
POSTAL ASSISTANT, THIRUVANANTHAPURAM GPO,
THIRUVANANTHAPURAM-695 001, RESIDING AT
SREEJA NIVAS, POONTHI ROAD, KUMARAPURAM,
MEDICAL COLLEGE P.O.,
THIRUVANANTHAPURAM-695 011.**

BY ADV SHRI.GODWIN JOSEPH

RESPONDENTS/RESPONDENTS IN O.A.:

- 1 UNION OF INDIA, REPRESENTED BY THE SECRETARY
TO THE GOVERNMENT OF INDIA, DEPARTMENT OF POSTS,
MINISTRY OF COMMUNICATIONS, GOVERNMENT OF INDIA,
NEW DELHI-110001**
- 2 THE SECRETARY, TO GOVERNMENT OF INDIA
DEPARTMENT OF PERSONNEL AND TRAINING,
GOVERNMENT OF INDIA, NEW DELHI-110 001**
- 3 THE CHIEF POSTMASTER GENERAL,
KERALA CIRCLE, THIRUVANANTHAPURAM-695 033.**
- 4 THE SENIOR SUPERINTENDENT OF POST OFFICES,
TRIVANDRUM NORTH DIVISION, THIRUVANANTHAPURAM
-695 001.**



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**5 THE SENIOR POSTMASTER, OFFICE OF THE SENIOR
POSTMASTER, THIRUVANANTHAPURAM GPO,
THIRUVANANTHAPURAM-695001**

BY ADVS.

O.M.SHALINA - DSGI

SHRI.K.R.RAJKUMAR - SENIOR PANEL COUNSEL

SHRI.P.VIJAYAKUMAR - ASG OF INDIA

**THIS OP (CAT) HAVING BEEN FINALLY HEARD ON 03.06.2026,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**



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JUDGMENT

Devan Ramachandran, J

The Department of Personnel and Training, Government of India, came out with a scheme called ‘Children Education Allowance Scheme’ (hereinafter referred to as ‘the Scheme’ for short) in favour of the employees of the Department of Posts, whereby, several components of education, including Tuition fee, Admission fee, Laboratory fee, Special fee etc., were allowed to be claimed by an employee to facilitate their ward’s education.

2. The ‘Scheme’ also contains a provision for ‘Hostel Subsidy’, which is the amount spent by an employee for the purpose of accommodating his or her children (upto a maximum of two) in a hostel, to a limit of Rs.3,000/- each. ‘Hostel subsidy’ was then defined to mean expenses incurred by the employee to keep his/her children in the hostel of a residential school/ institution located beyond a distance of 50 kms from his/her



residence’.

3. The petitioner asserts that his child was admitted to the ‘Sainik School’, Kazhakkootam, which is stated to stipulate that every child be mandatorily admitted to its hostel. He contends that, since the admission to the hostel in the ‘Sainik School’ was mandatory, he was entitled to the ‘Hostel Subsidy’ for his child, even though the said school was less than 50 kms from his residence at Thiruvananthapuram. When this was not acceded to by the respondents, he filed O.A.No.180/00013/2020 before the learned Central Administrative Tribunal, Ernakulam (the Tribunal for short); which was allowed by the learned Tribunal; but its order set aside by this Court in O.P (CAT)No.142 of 2020, remitting it for reconsideration.

4. The learned Tribunal, subsequently, issued the impugned order, dated 04.08.2021, rejecting the claim of the petitioner; against which, he has filed this Original Petition.

5. Sri.Godwin Joseph - learned counsel for the petitioner, argued that the purpose behind the grant of ‘Hostel Subsidy’ to an employee of the Department of Posts is to ensure that the best



education for his/her child is facilitated. He argued that, such subsidy must be made available to every employee, where his/her child is forced to be in a hostel – be that on account of the distance from the residence, or the requirements of the school. He explained that, since every child in the ‘Sainik School’ requires to be placed in boarding, it becomes forced on every parent to suffer the hostel fee; and hence that the ‘Scheme’ - which is a benevolent measure for employees - ought to be interpreted in such manner that its benefits would flow, notwithstanding the factum of the child not studying in a school beyond 50 kms from his/her residence. He predicated that the learned Tribunal, however, has not properly understood the purpose behind the ‘Scheme’; and that, it is solely therefore, that it has dismissed his client’s Original Application. He prayed that this Original Petition be allowed; and the prayers in the Original Application granted.

6. Sri.K.R.Rajkumar – learned Senior Panel Counsel for the Government of India, controverted the afore contentions saying that the



‘Scheme’ is intended to offset the burden of a parent in having to leave a child in a hostel, solely on account of the factum of him being forced to stay in a place which is 50 kms or more away. He argued that the ‘Hostel Subsidy’ is relevant *qua* the distance and the burden of having to have a child travel such every day, which may be impossible in some cases; but not to the personal choice of a parent, to place a child in a particular school, which may have its own specific requisites. He explained that the petitioner is admittedly staying at Thiruvananthapuram, where there are several schools available within a 50 kms radius, which do not insist on mandatory hostel accommodation; but that he chose the ‘Sainik School’, where there is such a stipulation and therefore, that this was his personal choice and not one forced on him for want of alternatives.

7. After arguing as afore, Sri.K.R.Rajkumar then added that there may be other schools other than the ‘Sainik School’, which insist on mandatory hostel accommodation, but that ‘Hostel Subsidy’ is not intended to offset such expenses, but only to save the employee of the burden of having to suffer it, solely on account of the distance that the



child will have to travel, if being without any alternate school within a 50 k.m. radius from residence.

8. We notice that the learned Tribunal has sailed in line with the afore submissions of Sri.K.R.Rajkumar, after having analyzed the provisions of the ‘Scheme’.

9. We are in agreement with the impugned order, for reasons that we will presently record.

10. It is perspicuous that the ‘Scheme’ is intended for the benefit of employees and is a welfare measure. However, it being a Scheme within the policy realm of the competent Authority, it would be impossible for this Court, while acting Article 226 or 227 of the Constitution of India, to impose our wisdom and substitute its terms in any manner. The ‘Scheme’, normally, ought to be accepted by the employees, or rejected, in toto; and the petitioner cannot seek that we modify its terms in the manner as he interprets. This Court does not obtain jurisdiction or competence to speak about the sweep of the ‘Scheme’ of this nature, or to suggest that a better version or terms, ought to be granted or substituted.



11. That apart, going by the purpose discernible from it, the provision for ‘Hostel Subsidy’ is intended solely to save and offset the burden of a parent to provide education for his/her child in a school, which is very far away from the place of residence – in which the latter is forced to be admitted, on account of his/her employment requirement.

12. To paraphrase, it is to those parents who are employees of the Department of Posts, who are forced to put their children in school hostels, without there being any other option left, on account of the large amount of distance to be traversed, that the ‘Scheme’ applies. Different is a case as projected by the petitioner, where it is his choice to admit his child in a particular school where admission to the hostel was mandatory; and in this scenario, it is he who took the option, knowing fully well of its consequences.

13. As rightly found by the learned Tribunal, it is not merely the ‘Sainik School’ which may provide for mandatory hostel admission, but also other private schools, which, of course, we are not enjoined to speak on in any further detail, except for the purpose of an argument.



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14. Suffice to say, we are left without doubt that the ‘Scheme’ is not intended for the purpose as now argued by Sri.Godwin Joseph; and while we say so, we are fully cognizant of his submission that the purposive purpose behind it ought to be appreciated.

15. Solely for the need of completion, we must say that the purpose behind the ‘Scheme’ can surely be confined to the manner we have said above, and cannot be expanded to cover the personal choice of a parent, to admit his/her child to a particular school with peculiar or singular requisites, including mandatory hostel admission.

In such circumstances, we see no reason to intervene; and consequently dismiss this Original Petition.

Sd/-

DEVAN RAMACHANDRAN

JUDGE

Sd/-

BASANT BALAJI

JUDGE

saap/RR

APPENDIX OF OP (CAT) NO. 60 OF 2021

PETITIONER EXHIBITS

- Exhibit P1 A TRUE COPY OF THE ORDER DATED 4.8.2021 IN O.A.NO.13/2020 OF THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH.
- Exhibit P2 A TRUE COPY OF THE ORIGINAL APPLICATION NO.13/2020 FILED BY THE PETITIONER BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL ERNAKULAM BENCH.
- Annexure A3 A TRUE COPY OF THE MEMO NO.12011/07/2011-ESTT.(AL) DATED 31.5.2012 ISSUED BY THE 2ND RESPONDENT.
- Annexure A4 A TRUE COPY OF THE REPLY LETTER NO.Z-20025/05/2018-ESTT.(AL) DATED 15.10.2018 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.
- Annexure A5 A TRUE COPY OF THE MEMO NO.A-27012/02/2017-ESTT.(AL) DATED 17.7.2018 ISSUED BY THE 2ND RESPONDENT.
- Annexure A9 A TRUE COPY OF THE LETTER NO.C/CEAS/DIGS/2019 DATED 28.10.2019 ISSUED BY THE 4TH RESPONDENT TO THE 5TH RESPONDENT.
- Annexure A10 A TRUE COPY OF THE LETTER NO.B/PF/ANISH KUMAR S DATED 31.10.2019 ISSUED BY THE 5TH RESPONDENT TO THE PETITIONER.
- Annexure A1 A TRUE COPY OF THE REQUEST DATED 15.3.2018 SUBMITTED BY THE PETITIONER TO THE 3RD RESPONDENT THROUGH PROPER CHANNEL.
- Annexure A2 A TRUE COPY OF THE MEMO NO.12011/03/2008-ESTT. (ALLOWANCE) DATED 2.9.2008 ISSUED BY THE 2ND RESPONDENT.
- Annexure A6 A TRUE COPY OF THE LETTER NO.B/STAFF/TV GPO DATED 19.1.2019 ISSUED BY THE 5TH RESPONDENT TO THE PETITIONER.
- Annexure A7 A TRUE COPY OF THE REPLY LETTER NO.39(17)/2019/D(SSC) DATED 14.5.2019 ISSUED TO THE PETITIONER BY THE SAINIK SCHOOLS SOCIETY, SENA BHAVAN, NEW DELHI.



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- Annexure A8 A TRUE COPY OF THE REPRESENTATION DATED 25.5.2019 SUBMITTED BY THE PETITIONER TO THE DIRECTOR GENERAL, DEPARTMENT OF POSTS.
- Exhibit P3 A TRUE COPY OF THE ORDER DATED 7.1.2020 IN O.A.NO.13/2020 OF THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH.
- Exhibit P4 A TRUE COPY OF THE JUDGMENT DATED 13.8.2020 IN O.P.(CAT) NO.142/2020 OF THIS HON'BLE COURT.
- Exhibit P5 A TRUE COPY OF THE REPLY STATEMENT DATED 3.11.2020 FILED BY THE RESPONDENTS IN O.A.NO.13/2020 BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH.
- Exhibit P6 A TRUE COPY OF THE REJOINDER DATED 16.6.2021 FILED BY THE PETITIONER IN O.A.NO.13/2020.
- Exhibit P7 A TRUE COPY OF THE ARGUMENT NOTES FILED ON 9.7.2021 BY THE RESPONDENTS IN O.A.NO.13 OF 2021.
- Annexure 1 TRUE COPY OF THE JUDGMENT IN CIT V. KESHAB CHANDRA MANDAL (AIR 1950 SC 265).
- Annexure 2 TRUE COPY OF THE JUDGMENT IN 1999 (2) SCC 622.
- Annexure 3 TRUE COPY OF THE JUDGMENT IN 2001 (7) SCC 71.
- Annexure 4 TRUE COPY OF THE JUDGMENT IN 2008 (5) SCC 511.
- Exhibit P8 A TRUE COPY OF THE ARGUMENT NOTES DATED 13.7.2021 FILED BY THE APPLICANT IN O.A.NO.13/2020.
- Exhibit P9 A TRUE COPY OF THE ADDITIONAL REPLY STATEMENT DATED 16.7.2021 FILED BY THE RESPONDENTS IN O.A.NO.13/2020.

RESPONDENT ANNEXURES

- Annexure R1 DOP & T.I.D. NO.A-27012/02/2018-ESTT.(AL) DATED 4.6.2020