

(1999) 05 PAT CK 0056
In the Patna High Court
Case No : C.W.J.C. No. 2026 of 1998 (R)

Arun Kumar Singh

APPELLANT

Vs

Bharat Coking Coal Ltd. and Others

RESPONDENT

Date of Decision : 11-05-1999

Acts Referred:

Citation : (1999) 3 BLJR 2159

Hon'ble Judges : S.K. Katriar, J

Bench : Single Bench

Judgement

S.K. Katriar, J.—The sole petitioner has preferred this writ petition for an appropriate direction to the respondents to prevent his forcible dispossession from Quarter No. 11/61 in Jagjeevan Nagar, Dhanbad, which has been validly allotted to the petitioner for residential purposes.

2. According to the petitioner, his father had taken premature retirement on health grounds and the petitioner was appointed on compassionate ground by respondent No. 1 in place of his father. The petitioner's father was in occupation of the aforesaid quarter, and was allotted out of turn to the petitioner by order dated 31-3-93 (Annexure-2), Thereafter, the respondents took a policy decision to evict all the wards of the erstwhile employees who had been allotted quarters out of turn. Pursuant to such a policy decision, the respondent-authorities sent a notice to the petitioner by their letter dated 19-12-95 (Annexure-4) for his eviction from the said quarter. The petitioner submitted his representation dated 22-12-95, against the said order of eviction. However, the petitioner continued in occupation of the said quarter. On account of his failure to vacate the quarter, the petitioner was subjected to disciplinary proceeding and was served with a charge-sheet dated 1/4-3-96 (Annexure-6). The Inquiry Officer submitted his report dated 25-12-96 (Annexure-9), which seems to exonerate the petitioner the action whereupon is pending with the disciplinary authority.

3. On these facts, the petitioner submitted that he is surely a regular allottee of the quarter in question and, therefore, cannot be forcibly evicted. The petitioner

has no objection of his being evicted in accordance with the prescribed procedure.

4. Mr. A.K. Mehta, learned Counsel for the respondents, submitted that the petitioner has been doubly benefited. He got the job in place of his father on compassionate ground, and has been allotted the aforesaid quarter out of turn once again on compassionate ground. Respondent No. 1 had since taken a policy decision to allot quarters strictly according to the laid down procedure, giving up allotments on out-of-turn basis excepting where the exigency of work or emergency duty of the incumbent really and genuinely necessitates. He has further invited my attention to the judgment dated 4-7-96, passed by this Court in C.W.J.C. No. 2979/ 95 (R) Dadar Singh v. BCCL and Ors. and C.W.J.C. No. 2980/95 (R) Santosh Kumar Mandal v. BCCL and Ors. both disposed of by a common judgment, photo copy of which is marked as Annexure-A to the counter-affidavit. Dealing with the same or similar situations including that of the petitioner herein, S.J. Mukhopadhyay, J. directed that the respondent-authorities should apply the same yardstick for allotment or eviction of the quarters in question to all its employees.

5. Learned Counsel for the petitioner invited my attention to paragraphs 6 and 7 of his reply to the counter-affidavit of the respondents which states that one K.K. Lall and S.K. Thakur were similarly given appointments on compassionate ground, and were allotted quarters out of turn and no steps have been taken to evict them. He has further invited my attention to paragraph 9 of the rejoinder of the respondents to the petitioner's Reply, wherein the respondents have stated that K.K. Lall, Clerk Grade-I in B.C.C.L., has been allotted quarter out of turn which clearly militates against the aforesaid policy decision of the respondents regarding allotment of quarters.

6. Having considered the rival submissions and on perusal of the records, it appears that the respondents authorities have not followed any policy uniformly and systematically for allotment of quarters. Problems created by mal-administration and lack of administrative will are quite needlessly and avoidably passed on this Court, which are really not the functions of this Court. Matters like allotment of quarters are undoubtedly matters of the routine for a good and responsive administration. They are hereby directed to review all such cases of allotment of quarters in B.C.C.L. out of turn and implement the aforesaid policy decision regarding allotment of quarters to their employees. This Court makes it clear that no quarter shall be allotted to any employee; out of turn except in cases of exigency of work or emergency duty so that the employees remain close to their places of work. It is further directed that no quarter shall be allotted out of turn to those employees who have received employment on compassionate ground, not even on account of exigency or work or emergency duty. This Court disapproves of double favour to an employee. This Court has set its face against appointments on compassionate ground, being based on birth and descent, which deprives the eligible citizens from free access to the wealth of employment in this country.

Compassionate appointments have to be given only in exceptional circumstances and on the basis of well established rules and procedure. The respondents authorities are further directed to complete the entire exercise within a period of six months from today.

7. This writ petition is disposed of with the aforesaid directions.