
(2011) 05 AHC CK 0155
In the Allahabad High Court
Case No : Writ C. No. 18681 of 1997

Asha Saxena

APPELLANT

Vs

U.P.S.E.B. Ex. Engineer

RESPONDENT

Date of Decision : 03-05-2011

Acts Referred:

Citation : (2011) 130 FLR 202 : (2011) LLR 924

Hon'ble Judges : Sibghat Ullah Khan, J

Bench : Single Bench

Judgement

Sibghat Ullah Khan, J.—Heard learned Counsel for the Petitioner. At the time of argument, no one appeared on behalf of employer Respondents U.P. State Electricity Board and its authorities.

2. Late Sri Rajeshwar Nath, the husband of the original Petitioner Smt. Asha Saxena, who has also died and substituted by her legal representatives, was an employee of the Respondents and by virtue of employment, he was provided a residential quarter by the employer at Kanpur number of which is 7/18, Type-II in Panki Power House Colony, Panki, Kanpur. Husband of the original Petitioner did not vacate the allotted quarter even after his retirement on 31.01.1991, hence penal rent was charged and deducted from gratuity, pension etc. (Sri Rajeshwar Nath died on 16.10.1996) In Paras-14 and 20 of the writ petition, it is mentioned that a bill of about Rs. 1,18,000/- was raised in respect of penal rent on 23.12.1991. The prayer in this writ petition is that penal rent bill dated 23.12.1991 may be set aside and order of labour Court dated 26.11.1996 may be directed to be complied with by the Respondents.

3. It appears that the legal representatives of the employee and the original Petitioner (husband and wife) are still in the possession of quarter as is evident from their address given in the affidavit and substitution application filed on 10.08.2009. This is horrible state of affairs.

4. If official quarter is not vacated after retirement, penal rent may very well be

charged. Retiral dues cannot be claimed unless official quarter is vacated.

5. Accordingly, Petitioners are directed to vacate forthwith the quarter in question. In case within two weeks it is not done, S.S.P. Kanpur Nagar shall immediately get vacated the quarter in question and handover the same to the authorities of the Electricity Board (now Power Corporation) and send compliance report to this Court within a month. Respondents are directed to adjust such penal rent as is permissible under the Rules from the unpaid retiral dues of late Sri Rajeshwar Nath and rest of the amount shall be recovered like arrears of land revenue from the substituted Petitioners by the Collector, Kanpur on the application of Respondents which may be filed in this regard.

6. Writ petition is accordingly disposed of.

7. Office is directed to supply a copy of this order free of cost to Sri S.P. Mishra, learned standing counsel for sending the same immediately to the S.S.P., Kanpur Nagar.