
(1997) 02 AHC CK 0035
In the Allahabad High Court
Case No : C.M.W.P. No. 7101 of 1997

B.L. Sharma

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 28-02-1997

Acts Referred:

Citation : (1997) 02 AHC CK 0035

Hon'ble Judges : M. Katju, J

Bench : Single Bench

Advocate : Sidhartha, for the Appellant;

Final Decision : Dismissed

Judgement

M. Katju, J.—Heard learned counsel for the Petitioner.

2. It appears that the Petitioner was in service of the Post and Telegraph Department and he retired in 1983 but he has not yet vacated the official accommodation which was given to him as a condition of service. It is shocking that the Petitioner has not yet vacated the official accommodation although 14 years have expired since he retired. The ground taken by the Petitioner is that retirement benefit has not yet been paid to him.

3. Learned counsel for the Petitioner relied upon a decision of Supreme Court in Smt Violet Issaac and Others Vs. Union of India (UOI) and Others, and he has invited my attention to Para 7 of the said judgment which states:

The Railway administration is free to evict them in accordance with the Rules, only after arrears of family pension are paid to Mrs. Violet Issac. The Railway administration will charge rent from the Appellants at the rate on which the quarter had been let out to the deceased Railway employee.

4. In my opinion, the above observation of the Supreme Court cannot be said to have been laid down any general legal principle that a Government servant is entitled to remain in possession of his official accommodation even after

retirement unless his retirement benefits are paid to him. The observation of the Supreme Court was made on the facts of that particular case, and hence is confined to that case alone. In my opinion, a Government servant is not entitled to continue in official accommodation after retirement on the ground that his retirement benefits have not been paid to him.

5. In my opinion payment of retirement benefits cannot be mixed up with the claim of the Petitioner to remain in his accommodation after retirement. The two are totally different issues, and no Government servant can claim that he is entitled to remain in occupation of the official accommodation after retirement unless retirement benefits are paid to him. If the argument that a Government servant is entitled to remain in his official accommodation even after retirement till the retirement benefits are paid, is accepted then the successor of such a Government servant will have no official accommodation to live in, and he may be put to great hardship. Such a view cannot be countenanced by this Court. There are several cases coming up before this Court where Government servants have not vacated the official accommodations after retirement, and they are filing writ petitions to get an order to enable them to continue in possession. This Court cannot approve of this practice.

6. In the circumstances, this petition is dismissed. The Petitioner will vacate the official accommodation within two weeks from today failing which he will have to pay costs of Rs. 50,000 within two months from today, and if he does not pay the same it will be realised as arrears of land revenue by the Collector, Ghaziabad.

7. Let a copy of this order be sent by the Registrar to the Collector, Ghaziabad.