
(2013) 11 JH CK 0032
In the Jharkhand High Court
Case No : Writ Petition (S) No. 546 of 2011

Jagdeo Ram

APPELLANT

Vs

The Managing Director and Others

RESPONDENT

Date of Decision : 13-11-2013

Acts Referred:

Citation : (2013) 11 JH CK 0032

Hon'ble Judges : Aparesh Kumar Singh, J

Bench : Single Bench

Advocate : Sunil Kumar, for the Appellant; Abhay Kr. Mishra, for the Respondent

Final Decision : Disposed Off

Judgement

Aparesh Kumar Singh, J.

I.A. Nos. 2134/11, 5431/13 in WPS 546/11, 1353/11, 2136/11 & 5432/13 in WPS 853/11

1. In both writ applications, petitioners had approached this Court alleging that their gratuity amount has been withheld. However, it also appears that the petitioners have retained their official quarters even after retirement. It is the case of the respondent that the amount equivalent to the gratuity amount has been withheld with the consent of the employee. Petitioners have however continued to retain the official quarters till date. Counsel for the petitioners also submits that a proceeding under the provisions of Public Premises (Eviction of Unauthorized Occupants) Act, 1971 have also been initiated in the Court of Estate Officer by the respondents. Counsel for the petitioner also submits that these petitioners have also applied for availing the scheme for allotment of the quarter initiated in the year 2007 by the respondents, on which no decision has been taken.

2. Respondents have however refuted the same, by stating that the scheme has become over now.

3. Having heard learned counsel for the parties, it appears that there are two facets of the dispute; one is in respect of retention of quarter beyond the retirement by these petitioners for which, a separate proceeding under the Act of 1971 has been initiated by the employer. As submitted by the counsel for the petitioners, they have also appeared before the Court of Estate Officer and are contesting the matter. Therefore, any dispute relating to charging of penal rent in respect of illegal retention of official quarters by these petitioners can also be raised and considered by the competent court of Estate Officer.

4. As per the petitioners, they have made an application for allotment of a quarter under the scheme of 2007, as claimed by them. However the respondents have not taken any decision in the matter. In that view of the matter, if the petitioners are otherwise eligible to avail the scheme of 2007, the respondent would take a decision within a reasonable period, preferably within twelve weeks from the date of receipt of a copy of this order. However, in any case, respondent would not retain the gratuity amount if the quarters are vacated by the petitioners within ten weeks from the date of the order passed in both the writ applications.

Both the writ petitions are disposed of with the aforesaid observations and directions with liberty to the petitioners to agitate their grievances relating to charging of penal rent in the pending proceeding before the competent authority of the Estate Officer, which shall be considered in accordance with law. Consequently, aforementioned interlocutory applications stand disposed of.

However, it will be open to the employer to act in accordance with law for seeking eviction of the official quarter in question occupied by the petitioners, if it is not vacated within the time prescribed herein-above.