
(2001) 08 JH CK 0020

In the Jharkhand High Court

Case No : Writ Petition (S) No. 3183 of 2001

Kamala Devi @ Kamala

APPELLANT

Vs

The Chairman-cum-Managing Director, Heavy Engineering Corporation Ltd. and Others

RESPONDENT

Date of Decision : 09-08-2001

Acts Referred:

Citation : (2001) 08 JH CK 0020

Hon'ble Judges : S.J. Mukhopadhaya, J

Bench : Single Bench

Advocate : Rajeev Kumar, for the Appellant; Rajeev Ranjan, for the Respondent

Judgement

S.J. Mukhopadhaya, J.—The petitioner was in the services of Heavy Engineering Corporation Ltd. and retired in the year 1996. The writ petition has been preferred for a direction on the respondents to pay the arrears of retirement benefits and other dues. She has also challenged the letter No. 939, dated 8th April, 2001, whereby an whereunder, her prayer for grant of loses of Qr. No. DT/44 has been rejected.

2. Counsel for the respondents submitted that the petitioner is only entitled for gratuity, leave salary and R.T.A. computed on the basis of last pay actually drawn, which have not been given to the petitioner, she having not vacated the quarter.

3. So far grant of leases in respect of Or. No. DT/44 is concerned, it is stated that the petitioner deposited Rs. 12000/- as earnest money for Qr. No. A(T)-3A(T)-39 and B(T) 190 and not for Qr. No. DT/44, as claimed by her. The petitioner has applied for long term lease F Qr. No. DT/44 only on 9th of April, 1997 but she changed her choice to A(T)/B(T) type quarter on 24th November, 1998.

4. Having regard to the facts and circumstances, as there is nothing on the record to suggest that any rule/scheme has been framed by the respondent in pursuance of which the petitioner can claim for a right of lease, this Court is not

inclined to interfere with letter No. 939 dated 28th April, 2001.

5. So far as payments of rest of the dues like gratuity, leave salary and R.T.A. are concerned, the respondents are directed to pay the same within fifteen days from the date the petitioner vacates the quarter. The petitioner is directed to vacate the quarter in question within two month, on failure the respondents may evict her.

6. Similarly if the respondent do not pay the admitted dues within fifteen days from the date of vacation of the quarter, they will be liable to pay interest at the rate of 8% per annum on such dues to be calculated from the date of this order.

7. The writ petition stand disposed of with the aforesaid observations and directions.

8. Writ disposed of with directions