

(2010) 09 UK CK 0004
In the Uttarakhand High Court
Case No : Writ Petition (MS) No. 780 of 2003

Ram Avatar Nirdoshi

APPELLANT

Vs

Additional District Judge and Others

RESPONDENT

Date of Decision : 27-09-2010

Acts Referred:

Citation : (2010) 09 UK CK 0004

Hon'ble Judges : Sudhanshu Dhulia, J

Bench : Single Bench

Judgement

Sudhanshu Dhulia, J.—Heard learned Counsel for the petitioner as well as learned Counsel for the respondents.

2. Subject matter of the present writ petition is that the petitioner being a Class-IV employee was unauthorisedly occupying one-room accommodation of the Regional Institute of Rural Development, Gurukul Kangri, Haridwar. Although the petitioner retired in the year 1993, he continued to occupy the said premises till 1998. Subsequently, proceedings for recovery of penal rent for the period between 1993-1998 were initiated against the petitioner.

3. The Prescribed Authority vide order dated 18.9.2001 directed the petitioner to pay a sum of Rs. 50,595/- as penal rent, however, this was not till 1998, but the calculation was done till 31.10.2001. Against this order, an appeal was filed by the petitioner and the Appellate Authority vide order dated 1.10.2001 reduced the period of penal rent from 1993-2001 to 1993-1998, when the petitioner had actually left the premises. Since there were still some mistakes in the calculation of the rent as well as in the calculation of the covered areas occupied by the petitioner, this writ petition has been filed by the petitioner.

4. In paragraphs 23 and 24 of the counter affidavit, the State has made the following averments:

23. That in accordance with the order of remand passed by the appellate

authority, the amount had been calculated and after adjusting the amount already deposited by the petitioner, a sum of Rs. 32,227.00 was found due. A true copy of the calculation sheet is annexed herewith and marked as Annexure CA-1 to this affidavit.

24. That the petitioner has deposited a sum of Rs. 28,533.00 with the respondents in compliance of the orders passed by this Hon'ble Court after adjusting the same a sum of Rs. 3694.00 is still payable by the petitioner.

5. In short, it is an admitted case of the State that the total dues against the petitioner were Rs. 32,227.00, out of which a sum of Rs. 28,533/- has already been paid by the petitioner and now the remaining amount is only Rs. 3,692/-. On these admitted set of facts that only a sum of Rs. 3,694/- is due against the petitioner, this writ petition is disposed of with the following directions:

The petitioner shall deposit a sum of Rs. 3,694/- as a penal rent before the Prescribed Authority within a period of one month from today, if not already paid.

6. No order as to costs.

7. Interim order dated 12.9.2006 is also vacated.