

(2012) 01 JH CK 0074
In the Jharkhand High Court
Case No : Writ Petition (S) No. 1691 of 2008

Sant Lal Sharma	Vs	APPELLANT
Union of India and Others		RESPONDENT

Date of Decision : 05-01-2012

Acts Referred:

Citation : (2012) 2 JCR 187

Hon'ble Judges : Prakash Tatia, J; P.P. Bhatt, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. Heard learned counsel for the parties.
2. The petitioner is aggrieved against the order dated 1.10.2007 passed in O.A. No. 196 of 2006 by Central Administrative Tribunal, Circuit at Ranchi whereby petitioner's O.A. has been dismissed.
3. The petitioner is aggrieved against levying of the penal rent on account of non-vacating the quarters which was given to the petitioner by the respondents during the period of his service. Admittedly, the petitioner retired on 31.3.1998 and he was duly informed that he will have to vacate the quarters within time and his prayer for extension has been rejected, yet the petitioner vacate the quarters on 7.11.2002. The respondents levied the rent and penal rent against the petitioner. The complete statement how the rent and penal rent has been charged has been given in Annexure-R/7 to the counter affidavit.
4. Learned counsel for the petitioner submitted that exorbitant high penal rent has been levied against the petitioner and according to him even up-to the extent of 100% rent has been levied as penal rent.
5. Learned counsel for the respondents submitted that several circulars were issued time to time for the penal rent to be charged against the employee who failed to vacate quarters in time and according to circular dated 2.04.1998 and

subsequent circulars the penal rent has been charged. The copy of the circulars has been placed on record.

6. Learned counsel for the petitioner submitted that he is challenging the circular fixing the penal rents. The petitioner who retired in 1998 and preferred the O.A in the year 2006 did not choose to challenge the circulars and now after failing in O.A. No. 196 of 2006 wants to challenge these circulars at this belated state which cannot be permitted.

7. Be that as it may be, we are of the considered opinion that cogent reasons have been given by the Tribunal for rejecting the O.A and learned counsel for the petitioner could not point out how the Government could not have charged the penal rent according to the orders applicable to all employees.

8. Therefore, we do not find any merit in this writ petition, which is adoringly, dismissed.