

(2008) 04 AHC CK 0204
In the Allahabad High Court
Case No : Writ Petition No. 1167 of 2001

Senior Post Master, Agra and others

APPELLANT

Vs

Manoj Saxena and another

RESPONDENT

Date of Decision : 29-04-2008

Acts Referred:

Citation : (2008) 04 AHC CK 0204

Hon'ble Judges : Yatindra Singh, J and Ran Vijai Singh, J

Final Decision : Disposed Of

Judgement

Yatindra Singh and Ran Vijai Singh, JJ.—Smt. Manoj Saxena respondent No. 1 was posted as Postal Assistant in Agra Division. She was allotted Type II quarter in Agra. She was transferred from Agra to Mathura on 14.6.1997 and also relieved from duty. She did not vacate the premises and the penal rent was being charged from her. She filed Original Application No. 256 of 1999 which was allowed on 24.12.1999 with direction to the petitioners not to recover the damages rent from the salary of respondent No. 1 and the petitioners were required to take proceeding under Public Premises Act. 1971. The petitioners filed a review application. This was dismissed on 8.9.2000. Hence, the present writ petition.

2. The respondent No. 1 was allotted official quarter as she was employee of the postal department and she was transferred from Agra to Mathura, As she was merely a licensee, she was not entitled to stay in the official quarter. In view of the fact that the respondent No. 1 admittedly had no right to stay. In the premises, there was no justification to direct the petitioners to take proceeding under Public Premises Act.

3. The petitioner had continued in possession of the premises beyond the period for which she was entitled to stay. In view of the same the penal rent was rightly charged. The Tribunal has illegally directed not to recover the penal rent from the salary of the respondent No. 1. In view of this the orders dated 24.12.1999 and 8.9.2000 are quashed.

5. The Original application of respondent No. 1, before the Tribunal is dismissed.
The writ petition is allowed.