
(2020) 03 JH CK 0017
In the Jharkhand High Court
Case No : W.P.(C) No. 5925 Of 2015

Shanti Devi And Ors

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision : 06-03-2020

Acts Referred:

Citation : (2020) 03 JH CK 0017

Hon'ble Judges : Sanjay Kumar Dwivedi, J

Bench : Single Bench

Advocate : Suman Kumar Ghosh, Bibhash Sinha, Shishir Suman

Judgement

Heard Mr. Suman Kumar Ghosh, learned counsel appearing for the petitioners, Mr. Bibhash Sinha, assisted by Mr. Shishir Suman, learned counsel

appearing for the respondents-Steel Authority of India Limited.

Petitioners have preferred this writ petition for considering the cases of the petitioners for allotment of quarters which is in occupation of the

petitioners after retirement in view of Circular No. 2-2009 dated 01.12.2009.

At the outset Mr. Suman Kumar Ghosh, learned counsel appearing for the petitioners submits that now the controversy raised in the writ petition has

been set at rest in view of the judgment passed in L.P.A. No. 733 of 2018 alongwith other analogous L.P.As. He further submits that issues now

stand settled by a settled by the Honâ??ble Supreme Court in the case of â?? Ram Naresh Singh Vs. Bokaro Steel Ltd. and Others (Civil Appeal

No. 4740 of 2017) wherby appeal preferred by the ex-employees of the Steel Authority of India Limited against the order of dismissal of their

respective writ petitions, on the ground that the appellate bench of this Court in L.P.A. No. 15 of 2013 (Bokaro Steel Ltd. and Others Vs. Ram

Naresh Singh) reversed the decision of learned Single Judge and it was held that in view of the undertaking the gratuity amount which was adjusted,

was not required to be paid back as they did not vacate the quarters. However, the aforesaid Ram Naresh Singh preferred Civil Appeal No. 4740 of

2017 before the Honâ??ble Apex Court which was disposed of directing the respondents to release the gratuity amount along with interest at the rate

of 6 % per annum from the date of retention of the amount till the actual payment. Further, it was recorded in the said order that it will be open for the

respondents to charge normal rent at the rate of Rs. 88/- per month for the quarter/premises in question for the period for which the appellant was in

occupation after his superannuation.

Considering this aspect of the matter, the Division Bench of this Court in the aforesaid L.P.A. considering the argument of the learned counsel

appearing for the Steel Authority of India Limited (SAIL) and the learned counsel for the respondents was asked to make distinction between the

cases of the appellant-Steel Authority of India Limited and the case of Ram Naresh Singh, then it was contended that there is no distinction at all save

and except that in case of Ram Naresh Singh, at the time of consideration by the Honâ??ble Supreme Court, the quarter was already vacated but in

the present case quarters have not been vacated as yet.

In view of the order of the Division Bench as well as the order of the Honâ??ble Apex Court, the present writ petition requires to follow the

decisions of the Division Bench as well as the Honâ??ble Apex Court in the identical manner without any deviation.

In the result, this writ petition stands allowed and disposed of in terms of direction contained in â??Ram Naresh Singh Vs. Bokaro Steel Ltd. and

Others (Civil Appeal No. 4740 of 2017) decided by the Honâ??ble Apex Court. Accordingly, petitioners are directed to vacate the quarters within a

period of eight weeks and they will appear before the competent authority, i.e Chief General Manager (Town & Administration) on 13.05.2020 and

handover the keys of the vacated quarters and at the same time, the authority of the SAIL will handover the cheques of gratuity along with interest.

However, the authority of the SAIL would deduct the normal rent for the quarters/ premises in question from the said amount for the period for which

petitioners had retained in occupation after their respective dates of

superannuation.

So far as the electricity charges are concerned, the authority of the SAIL would also be at liberty to deduct the same from the said amount in the

same manner at the same rate in which they had deducted it in the case of Ram Naresh Singh.

The authority of the SAIL is further directed to provide a detailed statement of interest given on the gratuity amount and deductions made, to the

employees concerned at the time of handing over the cheques. The writ petition stands allowed and disposed of.