

(2005) 06 JH CK 0022

In the Jharkhand High Court

Case No : Writ Petition (S) No. 2918 of 2005

Smt. Meera Das

APPELLANT

Vs

Bharat Coking Coal Ltd. and Others

RESPONDENT

Date of Decision : 21-06-2005

Acts Referred:

Citation : (2005) 4 JCR 254

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

Bench : Single Bench

Advocate : Sanjay Prasad, for the Appellant; Ananda Sen, for the Respondent

Judgement

S.J. Mukhopadhaya, J.—The petitioner, who is posted as Ward Sister, in the Central Hospital in Dhanbad was allotted a Quarters No. 111/59 within the Campus of Central Hospital, Dhanbad, vide Office Order No. 3078, dated 1st August, 1994. The respondents vide impugned order dated 2nd August, 2004, contained in Memo No. CMS/CHD/ 2004/3031, has cancelled the said allotment.

2. The grievance of the petitioner is that the respondents have cancelled the allotment of the Quarters without any notice to her.

3. Counsel for the respondents by referring to the enclosures attached to the writ petition, submitted that the petitioner was never in possession of the Quarters, in question, and it was found that some other person was residing therein. For the said reason, the allotment as has been made in the year 1994 in favour of the petitioner has been cancelled.

4. However, the counsel for the petitioner disputed the aforesaid fact.

5. Except a bald statement that the petitioner is in possession of the Quarters, the petitioner has not given any evidence nor made any statement to suggest that she ever took possession of the Quarters, in question in pursuance of the order dated 1st August, 1994. Neither any date of possession has been shown nor any evidence enclosed to suggest that the petitioner has taken possession of

the said Quarters.

6. In the aforesaid situation, this Court is not inclined to give any finding in one or other way. If the petitioner has not taken possession of the Quarters, in question, and somebody else is residing therein, in that case, the petitioner cannot claim for any notice on her. However, if she is in possession of the Quarters and there is any evidence in her support, she may bring it to the notice of the Director (Personnel), Bharat Coking Coal Ltd., Dhanbad. If any such evidence is brought to the notice of the authority that the petitioner took possession of the Quarters, in question and is residing, such as Electricity Bills; Postal letter addressed to her in the same address i.e., Quarters No. 111/59 etc., in such a case, the Director Personnel), B.C.C.L., Dhanbad will make necessary enquiry and if it is found that she is actually residing in the said Quarters then he may recall the order of cancellation of allotment.

7. The writ petition stands disposed of with the aforesaid observations.