

**(2004) 08 GUJ CK 0060**

**In the Gujarat High Court**

**Case No :** Special Civil Application No. 5619 of 1991

T.D. Vansia

APPELLANT

Vs

State of Gujarat

RESPONDENT

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**Date of Decision :** 13-08-2004

**Acts Referred:**

**Citation :** (2004) 08 GUJ CK 0060

**Hon'ble Judges :** Jayant Patel, J

**Bench :** Single Bench

**Advocate :** R.M. Chauhan, for Respondent Nos. 1-3, for the Respondent

**Final Decision :** Dismissed

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## **Judgement**

Jayant Patel, J.—The petitioner has preferred this petition for appropriate directions to the respondents to give benefit of hire purchase scheme to the petitioner regarding the quarter in question i.e. No.B/25 of Salatvada Government Colony, Baroda and the petitioner has also prayed for directions to the respondents to transfer the said quarter by way of sale or hire purchase.

2. Heard Mr.Majmudar, learned Counsel for the petitioner and Mr.Chauhan, learned AGP for the respondent authorities. It is an admitted position that the petitioner was the government employee occupying the government quarter. The points which are raised in the petition are concluded by the decision of the Division Bench of this Court in the case of " N.K. Parmar and Others Vs. State Of Gujarat and Others, Even otherwise also no government employee who is occupying the quarter can assert as of right that the quarter should be sold to him by sale or hire purchase by the Government. As such the Government Quarters are meant for occupation by the employees who may join the service or who are posted by transfer. The petitioner is a retired employee and, therefore, he is bound to vacate the quarter. If such a view is not taken, the consequence would be that no other government servants who are employed subsequently or who are posted thereafter will have no quarters available for occupation.

Therefore, the relief prayed in this petition cannot be granted and the interim relief granted deserves to be vacated.

3. However, Mr.Majmudar, learned Counsel for the petitioner submitted that in view of the interim order passed by this Court the petitioner continued to occupy the quarter and he has vacated the quarter in the year 2003, but as the quarter is vacated in the year 2003, the Authority is deducting the market rent as now prevailing for the period from 1998 to 2003.

4. Mr.Chauhan, learned AGP submitted that as per his instructions, the market rent is Rs.800/= per month and the said amount is being deducted. Therefore, even if the interim relief is vacated, the authority will have to consider the matter for deduction of the market rent then prevailing during the period when the petitioner unauthorisedly occupied the quarter or occupied under the interim order of this Court. If the authority has taken steps for recovery of the amount on the basis of market rent prevailing in the year 2003 for the period prior that to, the same cannot be justified. It will be for the authority to compute the market rent then prevailing during the respective period when the petitioner occupied the quarter, either unauthorisedly or under the interim order of the Court and it will be open to the authority to deduct the said amount from the pension of the petitioner in accordance with law.

5. Subject to the aforesaid observations, the petition is dismissed. Rule discharged. There shall be no order as to cost.