
(2003) 08 JH CK 0073
In the Jharkhand High Court
Case No : Writ Petition (S) No. 2376 of 2003

Triveni Ram

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 01-08-2003

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2003) 3 JCR 557

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

Bench : Single Bench

Advocate : Niranjana and O.P. Singh, for the Appellant; M.K. Laik, Sr. SC-I, for the Respondent

Final Decision : Dismissed

Judgement

S.J. Mukhopadhaya, J.—This writ petition has been preferred by the petitioner for direction on the respondent to allot him a Quarter of 3rd Grade Category as per the actual station seniority list dated 30th August, 1995.

2. The grievance of the petitioner is that his claim for allotment of a Quarters of 3rd Grade category has been illegally and deliberately ignored by the respondents who have adopted the pick and choose policy and allotted Quarters who are junior to the petitioner, such as respondent Nos. 4 to 6 vide order dated 11th March, 2003.

3. In the station seniority list, the name of petitioner having shown above some of those who have already been allotted Quarters of 3rd Grade Category, Superintendent of P.M.C.H. Dhanbad was directed to appear before the Court to explain the position.

4. In pursuance of Court's order, Smt. Renu Bala, Superintendent, P.M.C.H. Dhanbad appeared on 30th July, 2003 and produced photo stat copies of certain orders and letters including letter written by the petitioner dated 14th February, 2002 in support of the stand taken by her in the counter affidavit.

5. Council for the State brought to the notice of the Court the policy decision circulated, vide letter dated 21st May, 1965, whereby and whereunder, it was stipulated to allot Quarters inside the P.M.C.H. Campus to the staff performing emergency duty such as Nurse, Compounder, O.T. Attendant; and Diet Darogacum-Store Keeper. It was accepted that subsequently by letter dated 31st May, 1996, the decision of Superintendent P.M.C.H., Dhanbad was communicated that after allotment of Quarters to the aforesaid categories of staff, the rest of the Quarters can be allotted to those performing night duty, including Technicians and Dressers.

6. It has been brought to the notice of the Court that the petitioner without any order of allotment was occupying a Class-IV Quarters inside the P.M.C.H. Campus. He subsequently occupied another Quarters in addition to the earlier one which the petitioner later on vacated on 14th February, 2002 as evident from the copy of letter written by the petitioner on 14th February, 2002 produced by the Superintendent, P.M.C.H., Dhanbad.

7. From the aforesaid facts, it will be evident that the petitioner since long was illegally occupying one or other Quarters within the campus of the P.M.C.H., Dhanbad. He claims that though he is eligible for a 3rd Grade Quarters, but has been allotted a Class-IV Quarters.

8. In any case, even if it is accepted that the petitioner has been allotted a Class-IV Quarters, but later on, he forcibly occupied another Quarters within the P.M.C.H. campus, his action being against the provisions of law, this Court is not inclined to grant any relief at his instance.

Further, in the Government guidelines of 1965, no provision having been made for allotment of Quarters to a Dresser inside the P.M.C.H. Campus the petitioner cannot claim for allotment of a quarters, as a matter of right.

9. There being no merit, the writ petition is dismissed.