
(2018) 06 JH CK 0058

In the Jharkhand High Court

Case No : Writ Petition (S) No. 3675 of 2004

Virendra Pratap Singh

APPELLANT

Vs

Steel Authority of India Ltd

RESPONDENT

Date of Decision : 22-06-2018

Acts Referred:

Citation : (2018) 06 JH CK 0058

Hon'ble Judges : PRAMATH PATNAIK, J

Bench : Single Bench

Advocate : Krishna Murari, G.M. Mishra

Final Decision : Disposed Off

Judgement

Sl. No.,Date/period,Details

1.,20.07.1988,Occupation of Quarter No. IC/D/1232

2.,18.08.1990,"Acquisition of Plot No. 44, Co-operative Colony, Bokaro from the Co-operative Society.

3.,14.12.1995,Occupation of Quarter No. 12A/D/1049

4.,22.03.1997,Vacation of Quarter No. IC/D/1232

5.,17.11.2003,Vacation of Quarter No. 12A/D/1049

6.,"14.12.1995 -

21.03.1997","The period, in which, the petitioner remained in double occupation of company quarters, though, for which, no additional penalty has been charged.

7.,"18.11.1990 -

17.11.2003", "The period of unauthorized occupation of company quarter, on the ground that in spite of purchase of plot at Co-operative Colony i.e. within 8 kilometer from the Administrative Building on 18.08.1990, the petitioner did not vacate the company quarter which is against the Company's Rules. Hence, penal rent was charged from the petitioner.

2.0 Eligibility,,

2.1 The employees who are superannuating or opting for VR/ex-employees and spouses/legal heirs of deceased employees in authorized occupation,, of the company's allotted houses shall be eligible to apply under the scheme. Other details are available in the Brochure.,,

XXXX XXXX XXXX.â?,,

9. On plain reading of Clause 6.2 and 6.3 of the House Building Advance Rules, it appears that the petitioner was required to vacate the Company",,

accommodation within three months after the construction of his own house at Co-operative Building, which is within 8 KMs from the Main",,

Administrative Building. Furthermore, on physical verification of the quarter by the Town Administrative Department, it was found that the said",,

quarter was sub-let by the petitioner; which speaks that the petitioner was not in occupation of the said quarter at that time. Placing on record the,,

salary slip to prove that monthly rent was deducted and electricity charges were paid by the petitioner does not sufficiently prove that he was in,,

authorized possession of the quarters in a situation where the authority found the quarter was sub-let. Furthermore, on admittance by the respondents-",,

authorities that acceptance of earnest money for lease of company quarter was only on the assumption that the petitioner was in lawful possession of,,

the quarter, however later on verification it was found to be sub-let, and further extension/retention of quarter no. 1049/12A was done in ignorance",,

of the fact that the petitioner had acquired a house at Co-operative colony; it does not give any indefeasible right of the petitioner to entitle him to get,,

benefit of post V.R.S leasing out of incumbent company quarter on long term basis. Furthermore, by lapse of such long span of time, the very purpose",,

of getting/leasing out of quarter in question has also frustrated.,,

10. Moreover, the claim of the petitioner that some other employees who are in occupation of the company's quarter in spite of the fact that they",,

have houses at Co-operative colony i.e. within 8 KMs of Main Admn. Building does not accrue any right in favour of petitioner to claim the allotment,,

of the house under the aforesaid scheme. Hence, this Court finds no reason to issue writ of mandamus to issue any direction to lease out quarter in",,

question or gave declaration that the petitioner was in authorized occupation of said quarter.,,

11. From the pleadings available on record, in particular two vacation report of quarters at Annexure K and L of the second supplementary counter",,

affidavit dated 27.7.2012, it appears for certain period the petitioner was in double occupation of quarters, for which till date as per pleadings available",,

on record no penal rent has been deducted, however, in the said supplementary counter affidavit, a statement has been made that penal rent for the",,

period December, 1995 to 1997 had to be deducted from the retiral dues of the petitioner at the time of final settlement. Since, the petitioner has",,

neither raised this issue nor there is any chit of paper before this Court any concrete decision has been taken by the authority till date, hence, this",,

Court abstains from making any observation on this issue.,,

12. Be that at it may be, admittedly the petitioner purchased/acquired a plot at Co-operative colony on 18.08.1990 and information to that effect was",,

given by him vide letter dated 11.05.1991. As per rules/circular of the Company, he was supposed to vacate the quarter, but he did not. But, the",,

question arises what prevented the respondents-authorities to get the petitioner evicted from the quarters since after giving information of purchase of,,

plot and they slept over for more than a decade and even went on deducting house rent from the salary of the petitioner and all of a sudden woke up,,

only after when the matter of post V.R.S leasing out came to their office. Therefore, penalty after voluntary retirement and lapse of long span of time",,

and further in view of the fact that averments to the effect that some other employees who are in occupation of company quarter have plots at same,,

Co-operative colony has not been flatly denied by the respondents, such recovery is violative of principles of natural justice and is not tenable in law.",,

Hence, the order or refund of HRA, as made in impugned order, is liable to be set

aside.",,

13. In a logical sequiter to the aforesaid facts and reasons and discussions made in the foregoing paragraphs, the impugned order dated 27.03.2004 is",,,

modified only to the extent that petitioner would not be liable to refund the HRA, as ordered in impugned order.",,

14. With the aforesaid modification in impugned order, the writ application stands disposed of.",,