

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1338 of 2015

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And Rani, daughter of late Indu Devi, Ex-Senior T.O.A., Bharat Sanchar Nigam Limited, office of the Telecom District Manager, Motihari, presently residing in Qr. No. 1/III, Block-A, BSNL Colony, Motihari.

.... Petitioner

Versus

1. The Union of India through the Chief General Manager, Bharat Sanchar Nigam Limited, Bihar, Patna.
2. The Chief General Manager, Bharat Sanchar Nigam Limited, Bihar Circle, Sanchar Sadan, Sanchar Parisar, Budh Marg, Patna.
3. The Telecom District Manager, Bharat Sanchar Nigam Limited, Motihari.
4. The Divisional Engineer (Admn). Office of the Telecom District Manager, Bharat Sanchar Nigam Limited, Motihari.

.... Respondents

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Appearance :

For the Petitioner : Mr. Umesh Kumar Mishra, Advocate.

For the Respondents : Mr. Prabhat Kumar Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

and

HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 03-02-2015

Heard learned counsel for the petitioner and learned counsel for respondent- Bharat Sanchar Nigam Limited (for short 'BSNL') and with their consent, this writ petition is being disposed of at this stage itself.

2. Petitioner claims to be daughter of one late Indu Devi, who was an employee of the BSNL. Being an employee of the BSNL, the mother of the petitioner was entitled to an official quarter, where she was last working i.e. at Motihari. The mother of the petitioner died on 17.05.2011 in harness. Petitioner and her younger sib-lings

are residing in that quarter. They have been threatened with eviction by the BSNL authority. She first moved the Central Administrative Tribunal, but could not get any relief. She has, thus, filed this writ petition.

3. Learned counsel appearing on behalf of the petitioner contends that in view of the circular of the BSNL dated 31.10.2011 (Annexure 9) and, in particular, Annexure 'A' thereof, dependent of an employee is entitled to retain the accommodation of an employee having died in harness for a maximum period of 1+1+3 years. The extended period of three years would be on the ground of education, or medical ground. This is, however, subject to various charges, as mentioned in the circular, being paid. Petitioner contends that she is appearing in B.Sc. Part-III final examination and the BSNL authorities have forcibly locked her premises, which contained all her study materials as well. Hence, the emergent situation has arisen for approaching this Court by way of the instant writ petition.

4. Learned counsel for the BSNL, on the other hand, states that right to retain the accommodation is not an absolute right. It is dependent upon various factors. Circular itself states that this is subject to availability of accommodation, apart from subject to payment of necessary charges. He further submits that the petitioner has deliberately not disclosed anything about her father, who is



already employed in State Government service as an Assistant Teacher and he stays in the same district. They are already constructing their own house. For the accommodation, payments have not been made though they have already enjoyed the accommodation for over three and a half years inspite of notices to vacate having been issued. In that view of the matter, learned counsel for the BSNL submits that this Court should not interfere in the matter, rather it should direct the petitioner to surrender the accommodation so that other bona fide employees, who are awaiting allotment of quarters, may be allotted the same.

5. Having considered the matter, in our opinion, without going into other controversies, as petitioner is appearing in the B.Sc. Part-III final examination, we think that heaven would not fall if she is permitted to stay and retain the accommodation till the end of May, 2015. This would, however, be subject to the condition that all outstanding dues, as demanded by the appropriate authority of BSNL, are paid by the petitioner by the 15th of February, 2015.

6. At this stage, learned counsel for the petitioner states that all the dues have been paid as the BSNL, while paying pension, adjusted the due amount. Learned counsel for the BSNL, however, brings to the notice of this Court the petitioner's own letter, which is Annexure 11 to the writ petition, stating that she is ready to pay all the

fees from 01.06.2011 up to date.

7. In our view, this is a clear admission that at least when the said letter was written i.e. 24.11.2014, payments had not been made. Be that as it may, in view of the order having been passed above, no further order is required to be passed in this regard. Let it be made clear that beyond 31.05.2015, the petitioner or any other dependent of late Indu Devi would not be permitted to remain in the said quarter and the vacant peaceful possession would have to be handed over to the BSNL by the petitioner.

8. With the aforementioned observation and direction, this writ petition stands disposed of.

(Navaniti Prasad Singh, J)

MPS/-

(Jitendra Mohan Sharma, J)

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