

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 756 of 2009

Dev Narayan Nayak, aged about 65 years, S/o Late Shri Mouji Nayak, Ex. Senior Manager (Civil) H.S.C.L. Piparwar, Distt. Ranchi (Jharkhand), R/o House No.55/2, Nehru Nagar (East), Bhilai, Tehsil and District Durg (C.G.)

---- Petitioner

Versus

1. M/s Hindustan Steel Works Construction Limited, Through its Chairman-cum-Managing Director, 5/1, Commissariat Road, Hastings, Kolkata-700022.
2. The General Manager, Hindustan Steel Works Construction Limited, Sector-1, Bhilai, Tehsil and District Durg (C.G)
3. The Assistant General Manager, Hindustan Steel Works Construction Limited, Kadaru, Plot No. 323, Ranchi-834002 (Jharkhand)

---- Respondents

For Petitioner	Shri Vinay Harit, Senior counsel with Shri S. Mazid Ali, counsel
For Respondents	Shri Vinod Deshmukh, counsel

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

16/06/2015

1. With the consent of the learned counsel for the parties, the matter is heard finally.
2. The petitioner was an employee of the Hindustan Steel Works Construction Limited. He was voluntarily retired under a scheme floated by the company w.e.f. 07.08.2000. At the time of retirement, he was posted at Piparwar, Ranchi in the State of Jharkhand. By order dated 18.05.2001,

the petitioner was allowed to retain the quarter at Bhilai (C.G.), his previous place of posting on payment of normal rent towards house rent.

3. Although, respondents have raised objection regarding maintainability of the writ petition before this Court, however, since one of the reliefs claimed is for payment of excess penal house rent recovered from the petitioner despite there being an order allowing him to retain the accommodation at Bhilai (C.G.) on payment of normal rent, this Court is of the considered opinion that the writ petition is maintainable before this Court as part of the cause of action has arisen within its jurisdiction.
4. Learned Senior counsel appearing for the petitioner would withdraw the relief claimed at para 10.2, a & b as the same concerns with payment of interest on the amount of gratuity, which was ordered to be paid to the petitioner by the authority under the Payment of Gratuity Act, 1972. However, he seeks liberty to claim the said part of the relief before the appropriate forum. Accordingly, the petitioner is permitted to withdraw the relief clause No.10.2, a & b.
5. The remaining part of the claim raised in the writ petition is about payment of amount of leave without pay together with interest, which was later on regularized and the amount of penal rent recovered from the petitioner despite having been allowed to retain the quarter at Bhilai (C.G.) on payment of normal rent.
6. In paras 12 & 13 of the return, it has been stated that the above claimed relief is under scrutiny by the company. The return was filed in the year 2010, however, there is nothing in the record to demonstrate as to what decision has been taken by the respondents pursuant to the scrutiny.

7. In view of the above, the writ petition is disposed of with a direction that the respondent company shall consider and decide the petitioner's remaining claim, as mentioned above, within a period of 4 months from today. The petitioner may submit fresh representation specifically stating the outstanding principal amount on different heads and the interest admissible thereon mentioning the period for which the interest is claimed along with certified copy of this order.

JUDGE

Nirala