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HIGH COURT OF CHHATTISGARH, BILASPUR**W.P.S. No. 6213 of 2006**

R.P. Jaiswal S/o late Shri D.R. Jaiswal, aged about 64 years, R/o MIG 140,
Pt. Ravishankar Shukla Nagar, Korba, Tahsil & Distt. Korba (CG).

---- Petitioner**Versus**

1. South Eastern Coal Fields Ltd. through Chairman cum Managing Director,
Seepat Road, Bilaspur (CG).
2. Chief General Manager, SECL, Korba region, Distt. Korba (CG).
3. Regional Finance Manager, SECL, Korba area, Korba (CG).
4. Senior Personal Manager, SECL, Korba (CG).
5. Estate Officer, SECL, Korba area (CG).

---- Respondents

For Petitioner	Shri Ravish Verma, Advocate.
For Respondents	Shri Mazid Ali, Advocate under instructions of Shri A.S. Gaharwar, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****05/11/2015.**

1. The grievance of the Petitioner in this petition is to release the withheld amount of Rs.1,37,809/- by the Respondents.
2. According to Petitioner, he retired from service with the Respondents on 30.09.1997, however, inspite of his retirement in the month of September, 1997, the Respondents had not released the large amount of retiral dues payable to him promptly and the same has been illegally withheld by the

Respondents inspite of repeated representations being made by him. The Respondents, further in an arbitrary manner had passed an order dated 24.09.2005 directing recovery of amount of Rs.2,54,270/-towards penal rent payable by the Petitioner to the Respondents on account of his illegal retention of quarter allotted by the Respondents.

3. The Respondents in their reply have categorically taken the stand that though the Petitioner had retired from service in the month of September, 1997, but he illegally and unauthorizedly retained the official quarter for a considerable period inspite of notice being issued to him by the management of the Respondents asking him to vacate the said quarter.
4. Admittedly, from the documents filed by the Petitioner itself it is reflected that he retained the said quarter till 04.08.2005 i.e. more than seven years even after his retirement and this retention was without any proper sanction/permission by the Respondents. Accordingly, the Petitioner was liable to pay the penal rent and other dues towards illegal retention of quarter and it was for this reason that recovery of an amount of Rs.2,54,270/- was ordered on 24.09.2005.
5. The said amount of Rs. 2,54,270/- recoverable from the Petitioner was decided by the Estate Officer of the Respondent establishment under the proceedings initiated under Public Premises (Eviction of Unauthorized Occupants) Rules, 1971 (for short, the Rules, 1971) as early as on 24.09.2005 which Petitioner himself has filed along with the Writ Petition (Annexure P/3). There does not seem to be any further challenge to the said order of the Estate Officer under the Act, 1971 and as such, the said order also has attained finality.

6. Further, from the records available it is also reflected that the other retiral dues regarding payment of gratuity etc. has been released to the Petitioner after he had vacated the quarter which is not disputed by the Petitioner. The order passed by the controlling authority, Payment of Gratuity Act also reflects the same that the Petitioner has been paid the gratuity amount after certain deductions made by the Respondents.
7. The said order of controlling authority has not been further challenged by the Petitioner before any court of law, and therefore, the said order has attained its finality.
8. In view of the above submissions made by the parties that retiral dues have already been paid to the Petitioner after certain deductions towards illegal retention of quarter, nothing remains in this petition for further adjudication except the fact that as to whether the payment made by the Respondents is proper and legal.
9. So far as the issue with regard to penal rent and other dues payable to the Petitioner on account of his retention of the company's quarter is concerned, the same is now well settled by the Supreme Court in case of **Secretary, ONGC Ltd. and Another Vs. VU Warriar**¹. Division Bench of this court has also in Writ Appeal No. 384 of 2015 (South Eastern Coalfields Ltd. & Others Vs. Raghuvansh Sharma, decided on 30.10.2015) relying upon the said decision of Supreme Court has held that retention of quarter beyond the permitted period after superannuation would make the employee liable for market rent or penal rent, as the case may be, under the relevant rules.
10. In view of above well settled principles of law, it cannot be said that

1 2005 (5) SCC 245

deduction was made by the Respondents from the retiral dues of the Petitioner against the retention of the company's quarter for a considerable period of more than seven years cannot be said to be bad in law and arbitrary warranting interference of this court.

11. The present writ petition, in the given facts and circumstances, deserves to be and is accordingly dismissed reserving rights in favour of the Petitioner as aforesaid, if he so desires. No order as to costs.

Sd/-
(P. Sam Koshy)
JUDGE

inder