

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2186 of 2015**

- Smt. Kusum Thakur W/o Dharmendra Singh Thakur Aged About 30 Years
Occupation- Hostel Warden Posted At Tribal Girls Hostel, Baidpali, Post And
Tehsil- Saraipalai R/o Gad H-4, Tehsil Colony, Mahalpara, Saraipalai, Distt-
Mahasamund, Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh Through Secretary Department of Tribal Development
Mantralay, Mahanadi Bhawan, Naya Raipur, Chhattisgarh
2. Assistant Commissioner, Tribal Development, Mahasamund Distt-
Mahasamund, Chhattisgarh
3. Collector, District- Mahasamund Distt- Mahasamund, Chhattisgarh
4. Sub- Divisional Officer (Revenue) Saraipali, Distt- Mahasamund,
Chhattisgarh
5. Block Education Officer, Saraipali Distt- Mahasamund, Chhattisgarh

---- Respondents

For Petitioner	:	Ms. S. Soleman, Advocate
For Respondents-State	:	Shri S. Majid Ali, PL for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****06/10/2015**

1. Petitioner is substantively appointed on the post of Shiksha Karmi Grade-III.
By order dated 26.08.2010, she was posted as Superintendent Tribal Girls
Ashram School, Baidpali, District Mahasamund. On 23.12.2010, Sub
Divisional Officer (R), Saraipali (for short ' the SDO') allotted government
accommodation at Saraipali to the petitioner under the Chhattisgarh

Government Accommodation (General Pool) Rules, 1973 (for short 'the Rules, 1973'). By a subsequent order dated 22.12.2014, the SDO informed the petitioner that since her substantive post is under the Janpad Panchayat and she is not a government servant, she is not entitled for allotment of government accommodation, therefore, she should vacate the premises by 31st December, 2014. She was also directed to deposit rent at double the market rate.

2. By communication dated 07.01.2015, she was directed to pay rent at double the market rate at Rs.2900/- per month. By another order dated 23.01.2015, petitioner was directed to make payment of Rs.8,700/-.
3. It is argued that the allotment of government accommodation was made on the ground that the petitioner is posted as Hostel Superintendent, therefore, the subsequent SDO could not have cancelled the allotment.
4. Learned State counsel would submit that the petitioner is working as Shiksha Karmi Grade-III and is not a government servant, therefore, the Rules, 1973 would not make her entitled to government accommodation and the impugned orders do not suffer from any illegality.
5. Since admittedly, the petitioner is not a government servant, she is not entitled for any government accommodation. Petitioner has failed to satisfy this Court as to under which particular government order or policy, a Shiksha Karmi Grade-III would be entitled for government accommodation.
6. Insofar as the recovery of penal rent at market rate is concerned, it is to be seen that despite issuance of notice on 22.12.2014, the petitioner continued to occupy the accommodation. On petitioner's failure, the SDO has issued notice for recovery of penal rent at the rate doubled the amount of market

rate, however, the orders Annexure-P-7 & P-8 have not referred to any such provision of 1973 Rules, which empowers the said authority to impose penal rent at doubled the rate of market rate. In the considered opinion of this Court, ends of justice would be served if the petitioner is directed to pay rent at the market rate on and from 01.01.2015. If the petitioner has already vacated or she has been forcibly evicted, she shall pay the above rent till the date she remained in occupation of the premises. If she is still in possession, the petitioner shall vacate the premises by 30.10.2015 and pay the entire accumulated arrears by the said date. If the petitioner fails to hand over the vacant possession of the premises on or before 30.10.2015, the petitioner shall pay rent at doubled the rate of market rate.

7. Accordingly, the writ petition stands disposed of.

Sd/-

Judge

Prashant Kumar Mishra

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