

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLAE JURISDICTION**

WRIT PETITION NO.136 OF 2002

Vishnu Piraji Hajare
Residing at Room No.51,
S.T. Colony, Ganjmal, Nasik

.... Petitioner

Vs.

Divisional Controller,
Maharashtra State Road Transport
Corporation, Nashik.

.... Respondent

Ms. Seema Sarnaik, Advocate for the Petitioner.
None for the Respondent.

Coram : Smt. R.P. SondurBaldota, J.

Date : 12th June, 2015.

P.C.

1 This petition is directed against the order dtd.28th August, 2001 passed by the Industrial Court, Nasik dismissing Complaint (ULP) No.347 of 1999 filed by the petitioner under Section 28 read with Items 9 and 10 of Schedule IV of MRTU and PULP Act against the respondent-employer. The dispute in the complaint and the petition is as regards recovery of economic rent from the petitioner by the respondent for unauthorised occupation of the quarter allotted to him during the period 2nd July, 1990 to 2nd February, 1999.

2 Brief facts of the case are that the petitioner joined the services with the respondent as a “Building Karkoon” on 1st August, 1972. Charge-sheet was issued to him on 4th March, 1990 for misconduct relating to mis-appropriation of money. On completion of enquiry, he was dismissed from the service on 2nd July, 1990. He immediately preferred appeal before the appellate authority but also simultaneously filed complaint in the Labour Court. After he withdrew the complaint proceedings, the appellate authority decided the appeal and allowed his reinstatement in service without any financial benefits. The petitioner accepted the order and joined the duties. Thereafter the respondent sought to recover economic rent from him for his unauthorised occupation of the office quarters during the period 2nd July, 1990 to 2nd February, 1999.

3 While dismissing the complaint, the Industrial Court noted that the petitioner was well aware of the fact that the premises in his occupation as office quarters could be occupied by him only during the tenure of service and he could retain the same only for two months after the retirement and/or transfer and further if the occupation continued thereafter, he was liable to pay economic rent. The Industrial Court then noted the conduct of the petitioner for refusal to take lenient view. It noted that the total area in his occupation was 750 sq.ft. He was running a laundry on the road outside the premises. Further when the respondent tried to get the quarters vacated by him,

he resorted to hunger strike. Thus the petitioner not only illegally occupied the office quarters for substantially long period of nine years, but made commercial use of the premises while residing therein. His conduct of resorting to hunger strike was obviously unpardonable. The Tribunal further noted that the rent sought to be recovered from the petitioner of Rs.830/- per month was more than reasonable as compared to the market rate. Therefore, there can be no interference with the impugned order. Hence, the petition is dismissed.

(Smt. R.P. SondurBaldota, J.)