

**IN THE HIGH COURT OF JUDICATURE AT
HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE
OF ANDHRA PRADESH**

WRIT PETITION No.23445 of 2000

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Between :

Smt. Anantha Laxmi W/o.Rama Raju

... Petitioner

AND

The Singareni Collieries Co. Ltd.,
Rep. by its chief General Manager,
Godavarikhani, Karimnagar District
and another

... Respondents

DATE OF JUDGMENT PRONOUNCED: 30.07.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE JUSTICE C. PRAVEEN KUMAR

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| 1. | Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2. | Whether the copies of judgment may be marked to Law Reporters/Journals? | Yes/No |
| 3. | Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment? | Yes/No |

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.23445 OF 2000

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ORDER :

This Writ Petition is filed to declare the impugned proceeding No.PH.RG.I/10-PR/5899 dated 1/11.10.2000 issued by the First Respondent, as illegal, arbitrary and set aside the same and consequently direct the respondents not to deduct any penal rent from the salary of the petitioner duly treating the Qrtr.No.T2-1392, Ramalayam Compound as being allotted to her.

2. The petitioner, along with two others viz., M.Kanthamma and B.Manohara, was appointed as 'Aaya' vide proceedings dated 23.06.1978 of the 1st respondent Company. The husband of the petitioner by name Ch.Rama Raju was also working as Fitter in Building Department of the 1st respondent company. As both are employed with the 1st respondent, Quarter No.D-914, Hanuman Nagar, was allotted to the husband of the petitioner. In the year 1995, the 1st respondent Company cancelled the said quarter and allotted Quarter No.T2-1329, near Ramalayam Temple.

3. While the matter stood thus, the husband of the petitioner retired from the service on 01.02.1997 and the petitioner continued to reside in the said quarter though there was no order allotting the said quarter in favour of

the petitioner. Thereafter, the respondents passed the impugned proceedings dated 1/11.10.2000, wherein the 1st respondent requested the Medical Superintendent, Areas Hospital, RG, to recover an amount of Rs.1,500/- per month from the salary of the petitioner commencing from the month of October, 2000 onwards towards penal rent.

4. In the counter, the respondents stated that the petitioner is not the wife of Ch. Rama Raju and that with a view to occupy the said quarter, the petitioner on her volition has not accepted the house rent allowance and L.T.C., which are payable only upon the request made by the petitioner. It is further stated that since there was no allotment of the quarter to the petitioner, the occupation of the said quarter by the petitioner without there being any permission from the authority concerned, amounts to illegal occupation and, therefore, liable to pay the penal rent.

5. This Court, while admitting the writ petition on 01.12.2000, issued interim stay of recovery of penal rent.

6. At the time of hearing, the learned counsel for the respondents produced a letter dated 28.07.2015 issued by the Singareni Collieries Company Limited, wherein it was mentioned that the petitioner has vacated Qr.No.T2-1329 situated at Ram Mandir Road Area, in which she used to reside, on 12.05.2015 and handed over the same

to the RG.I. Area House Allotment Authorities and that the petitioner retired from the service of the company on attaining the age of superannuation with effect from 01.05.2015. In view of the same and as all the retirement benefits are paid to the petitioner, learned counsel for the respondents states that no orders are necessary in the writ petition.

7. It is to be noticed from the material papers filed along with the writ petition, more particularly the letter dated 15.04.1998, in which the respondent authorities have obtained L.T.C. particulars of Ch. Rama Raju (husband) would show the petitioner as his wife. Insofar as arguments of the learned counsel for the respondents that the petitioner has not filed any application with regard to allotment of quarter, the petitioner filed a copy of the representation dated 14.07.2000 submitted to the 1st respondent seeking allotment of the quarter, which was allotted to her husband, in her name since she is also an employee with the same organization. From the material on record, it is clear that the respondents have not issued any notice to the petitioner to vacate the quarter, which is stated to be in the name of the husband of the petitioner. Learned counsel for the petitioner relied upon the judgment of this Court in W.P.No.7434 of 1997 and batch, wherein the respondents were directed to not to deduct any penal rent from the salaries of the petitioners and

other employees until a decision is taken by the Committee of the Officers constituted for the purpose of making an enquiry in terms of the directions. As against the order in W.P.No.17484 of 2001, the respondents filed W.A.No.1074 of 2006 which was dismissed.

8. In view of above and having regard to the circumstances stated above, the counsel for the petitioners submits that no order be passed in the petition.

9. Accordingly, the writ petition is closed. No order as to costs.

10. Miscellaneous petitions pending, if any, shall stand closed.

C. PRAVEEN KUMAR, J

30th July 2015.

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