

THE HON'BLE SRI JUSTICE U. DURGA PRASAD RAO

WRIT PETITION No.4038 OF 2001

ORDER:

In this writ petition, the petitioner challenges the proceedings reference No.YCP/43/3010 dated 28.12.2000 issued by the 2nd respondent as arbitrary and illegal and violative of the principles of natural justice and colourable exercise of powers, besides being violative of the Fundamental Rights guaranteed under Article 14 and 21 of the Constitution of India and to issue the consequential direction to the respondents not to give the effect to the proceedings referred above.

02. The petitioner's case is that he was joined in Singareni Collieries Company Limited on 06.05.1978 as Turner and working at Yellandu group of Mines. While so, earlier he was allotted quarter No.SD 497 in the year 1991 and later as per the proceedings dated 08.12.1993 on mutual transfer he was allotted quarter No.SD 499 and he has been under occupation of the same since then. Due to high demand for quarters, of late i.e. since 1997, a tendency has grown to vacate the quarter on some pretext or the other, particularly who have no other political or other backing and allot the quarters to persons of the choice of the respondents. The petitioner has no political backing. A false complaint was made against him alleging that he sublet the quarters, without due enquiry, his allotment of the quarters was cancelled by proceedings dated 05.03.1998, besides imposing a penal rent of Rs.1500/- per month. Aggrieved by the same, the petitioner filed W.P. No.22073 of 1998 in this High Court and interim stay of eviction was ordered in the said writ petition.

03. The further case of the petitioner is that due to high demand for the quarters in Mandamarri, Srirampur, Bellampally, Manugur and Ramagundam and due to some unauthorized occupation, the

respondent company entered into settlement under Section 12(3) of the Industrial Disputes Act on 31.07.1997 agreeing to regularize the allotment of quarters to the unauthorized occupants provided the employees have put in 12 years and above service in the company and have been in occupation in the said quarters for not less than three years by 31.10.1997. The petitioner was not unauthorized occupant, but had been allotted the quarter SD-499 on 08.02.1993 in view of his eligibility.

04. While so, several persons who were held to be unauthorized occupiers filed batch of writ petition Nos.7434 of 1997 & batch before this High Court and this High Court in its order dated 20.01.2000 disposed of the said writ petitions remanding the matters for a fresh inquiry by committee of three officers of the company. By the said judgment, this Court directed the committee to conduct a detailed elaborate inquiry affording the petitioners to prove their case. The petitioner herein individually filed W.P. No.22073 of 1998 and the same was disposed of on 20.01.2000 in terms of the judgment in writ petition No.7434 of 1997 & batch.

05. The further case of the petitioner is that contrary to the directions of this Court, the committee which was formed to inquire into the matter, did not permit the petitioner to produce any evidence and also did not permit to represent by co-workers, Sri Pasika Rayamallu, Sri Kolisetti Ramulu and Sri Peraiah, who volunteered to represent the employees. However, at the same time, the Management was represented by Mr.Hyder Ali and Mr. Sagar, Senior Personnel Officers. The petitioner offered to produce witnesses to disprove the false allegation of subletting the quarter leveled against him, but he was not allowed to do so. The copy of enquiry report of the committee relating to his case was also not furnished to him. The respondents passed a stereo type order under reference cited supra as "you have illegally occupied company's Quarter No.SD-499 in JK Colony. The committee constituted by the Hon'ble High Court vide orders dated

20.01.2000 in W.P. No.7434 of 1997 and Batch verified whether you are eligible for regularization of allotment of the above quarter on your name and submitted its report. As per the report of the committee, you are not eligible for regularization of the above quarter on your name.” Accordingly, the respondents imposed penal rent @ Rs.1500/- per month against the petitioner and ordered to recover, if the petitioner failed to vacate the premises. In the said order, it is further stated that, an amount of Rs.600/- per month was proposed to be recovered from him additionally.

06. Having aggrieved by the said order, the petitioner sent a representation dated 08.01.2001 to the Company through the Trade Union, but there is no use. Hence, the writ petition challenging the proceedings referred supra.

07. On 12.03.2001 rule nisi was issued, calling for the records in the matter, besides in W.P. M.P. No.5211 of 2001 interim suspension of the impugned proceedings No.YCP/43/3010 dated 28.12.2000 was granted. Since then, the matter has been coming up for hearing. Today when the matter came up for hearing before this Court, both the parties were not present. It is, indeed, in these circumstances, this matter taken up for disposal.

08. The main grievance of the petitioner appears to be that he was not given sufficient opportunity by the Committee constituted by this Court in its judgment passed in W.P. No.7434 of 1997 & Batch, firstly, to be represented by his choice of employees to present his case and secondly, to furnish evidence to show that he was not unauthorized occupier of the quarter rather than an allottee.

09. Be that it may, the Committee was appointed as per the Judgment dated 20.01.2000, and it took up the enquiry to decide which of the employees were eligible for occupation and which of the employees were in unauthorized occupation of the quarters of the

respondent Company and the Committee has submitted its report concerning to the present petitioner and others, in the year 2000 itself, basing on which the respondent issued the impugned proceedings stating that as per the report of the Committee, the petitioner was not eligible for regularization of the quarter and as well as he was liable to vacate and hand over the quarter within 10 days from the date of receipt of the impugned proceedings, failing which, penal rent @ Rs.1500/- would be recovered from him without any further notice, besides initiation of disciplinary proceedings.

10. In the present case, the petitioner after obtaining interim suspension of the impugned proceedings, appears to have not evinced any interest in this matter. Further, he was 45 years old by the time of filing the present writ petition, which is evident from the cause title of the writ petition and by all means, he must have been retired from service and therefore, it is highly doubtful, whether the cause is still surviving for him. Further, the docket order dated 22.11.2014 shows that the matter was referred to High Court Lok Adalath conducted in connection with 2nd National Lok Adalath and notices were issued to the parties, but the matter could not be settled on account of the absence of parties, which also shows that the petitioner has no interest in the matter. Due to these reasons, what can be inferred is that the cause projected in the writ petition no more survives.

11. Hence, this writ petition is dismissed for the above reasons. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

U. DURGA PRASAD RAO, J

Dt.30.11.2015

BV