

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18893 of 2013

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Ram Sewak Yadav S/O Late Sheo Lal Yadav Resident Of Village - Farahi, P.S. -
Narpatganj, District - Araria

.... Petitioner/s

Versus

1. The State Of Bihar Through Principal Secretary, Housing Department, Govt. Of Bihar, Patna
2. The Principal Secretary, Housing Department, Govt. Of Bihar, Patna
3. The Executive Engineer, Tax Division, Building Construction Department, Govt. Of Bihar, Patna
4. The Secretary, Bihar Vidhan Sabha, Secretariat, Bihar, Patna
5. The Deputy Secretary, Bihar Vidhan Sabha, Secretariat, Bihar, Patna
6. The Secretary Jharkhand Vidhan Sabha, Secretariat, Ranchi
7. The Under Secretary, Jharkhand Vidhan Sabha, Secretariat, Ranchi

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ramakant Yadav

For the Respondent/s : Mr. Avnish Nandan Sinha

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 04-05-2016

Heard learned counsel for the petitioner and counsel
for the respondents.

In this case, the petitioner is aggrieved by the letter
dated 28.4.2012 passed by the Executive Engineer, Tax Division
Building, Patna, whereby and whereunder, the Executive Engineer has
charged the penal rent of Rs. 1,02,395/- for unauthorized occupation
of the quarter of the State Government.



The petitioner was appointed as a Surksha Guard in the Bihar Bidhan Sabha, after bifurcation, the petitioner was allocated provisionally to the State of Jharkhand Bidhan Sabha on 24.1.2001 but, finally he was allotted Bihar Bidhan Sabha, accordingly returned back finally to the State of Bihar on 1.1.2005. The petitioner is a retired person. During period of provisional allocation to the Jharkhand Bidha Sabha, the petitioner continued to occupy the quarter which was given by the State of Bihar. It was found that there was an outstanding due of Rs. 28,316.80/- and, out of that, he has deposited Rs. 4,242/- which is apparently clear from the letter dated 6.8.2010 as contained in Annexure-6 to the writ application and, after adjustment, the petitioner was required to deposit Rs. 24,074.80/- but, instead of depositing Rs. 24,074.80/-, he only deposited Rs. 14,075/- which apparently appears to be wrong. Thereafter, the Executive Engineer found that the petitioner had occupied the house illegally for the period as aforesaid, in Housing Rule, it was found that the petitioner is liable to pay penal rent of Rs. 1,02,395/- accordingly, directed for payment of penal rent.

Learned counsel for the petitioner has drawn attention of this Court towards the letter of the Deputy Director, Bihar Bidhan Sabha and tried to impress upon this Court that there was no outstanding dues against the petitioner. It is an admitted fact that the



petitioner was in occupation of the quarter for the period he was allocated to the State of Jharkhand, during that period he was not supposed to keep the same. The Government of Bihar as per Housing Rule has power to charge market rent as well as the penal rent. At the first instance, the Executive Engineer has charged the normal rent from the petitioner of Rs. 28,316/- and out of that only small amount has been deposited, later on, he has again deposited Rs. 14,075/- as per the calculation-sheet still he has to deposit an amount of Rs. 10,000/-, which must be deposited within eight weeks.

With regard to payment of penal rent amount, let the Chief Engineer, Building Construction Department, Patna is directed to examine the case of the petitioner and decide the case in accordance with law.

Learned counsel for the petitioner has raised a grievance that the gratuity amount has not been paid to the petitioner. If that be so, it is expected that the Government of Bihar will release the amount of gratuity to the petitioner after adjusting the penal rent. If the Chief Engineer takes a positive view in favour of the petitioner, then the State respondents will take action in accordance with law.

It goes without saying that the gratuity amount will also include the statutory interest in the gratuity.

With the aforementioned observation and direction,

this application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.5.2016
Transmission Date	