

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.1629 OF 2016

DATED : 27.01.2016

Between :

S.V.Raju S/o.Late Balraj,
Aged 44 yrs, Occu : Constable,
R/o.Quarter No.59, BDL Campus,
Kanchanbagh, Hyderabad 500 058

.. Petitioner

And

Union of India,
Rep., by its Director General,
Central Industrial Security Force,
Ministry of Home Affairs,
New Delhi & 2 others.

.. Respondents

This court made the following :

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ORDER :

Petitioner is a constable in Central Industrial Security Force. Earlier he worked in BDL Campus, Kanchanbagh, Hyderabad. He was transferred to CISF Unit FACT Ltd., Udyogamandal Post, Ernakulam District, State of Kerala on 25.05.2015. In obedience to the said transfer, petitioner joined at the transfer place and has been working in the said place. However, petitioner has not vacated the quarter allotted to him in BDL Campus. Earlier petitioner requested for retention of quarter and retention was granted for a period of two months initially. However, petitioner is not disturbed even though initial period expired. On a review of continuation of petitioner in the quarter beyond the time granted to him, proceedings dated 19.11.2015 were issued asking the petitioner to immediately vacate the quarter and to pay the penal rent for his unauthorized occupation beyond the time granted and also to settle all other dues pending on the quarter. It appears that petitioner made a further request for retention and was pursuing the matter. This writ petition is filed when there is a serious threat of throwing the petitioner's family out of quarter occupied by him and challenges the order of payment of penal rent and eviction dated 19.11.2015.

2. Learned counsel for the petitioner contends that petitioner requested for retention of quarter on the ground that his wife is suffering with serious ailments and she is undergoing treatment in Hyderabad. He had two children studying in 8th & 9th standards and if petitioner is asked to vacate the quarter at this stage, it will dislocate the education of the children of the petitioner and it is difficult to obtain any accommodation for a short period. Petitioner also states that he is in deep financial troubles and therefore he cannot pay penal rent as demanded and this penal rent ought not to have demanded by the employer.

3. Learned Assistant Solicitor General, on instructions, submits that having regard to the difficulties expressed by the petitioner, they have agreed

for continuation of the petitioner in the quarter till 31.03.2016 subject to petitioner making an application in this regard. He further states that petitioner has to pay the penal rent and the said extension is subject to payment of penal rent. Learned Assistant Solicitor General also states that according to the instructions on the subject, if an employee occupies the quarter beyond the time granted to him, he has to pay penal rent and what is demanded vide impugned proceedings is only in accordance with the orders on the subject.

4. Learned counsel for the petitioner submits that petitioner is willing to make a representation for waiver of penal rent and the same shall be considered by the competent authority.

5. Having regard to the fact that the respondents have agreed for retention of quarter for two months, the petitioner is directed to make a representation for such retention till 31.03.2016. As and when such a request is made the same shall be considered positively. Petitioner is also granted liberty to make a representation for waiver of penal rent as demanded in the impugned proceedings dated 19.11.2015. As and when such request is made, the same shall be considered by the competent authority on its own merits. Until appropriate decision is taken, no coercive steps shall be taken regarding penal rent. It is made clear that no expression of opinion on merits is made on the claim made by the petitioner.

6. With the above observations the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

27th January, 2016
Rds

P.NAVEEN RAO,J