

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 3642 of 2018

Anandram Chakradhar S/o Late Shri Sukhram Chakradhar, aged about 57 years, working as Assistant Grade-2, Zone No.2, Municipal Corporation Bhilai, District Durg (C.G.).

---Petitioner

Versus

1. State of Chhattisgarh, through the Secretary, Urban Administration and Development Department, Mantralaya, Mahanadi Bhawan, New Raipur (C.G.).
2. The Commissioner, Municipal Corporation Bhilai, District Durg (C.G.).
3. The Kumudani Sharma, posted as Assistant Grade-3, Zone No.2, Municipal Corporation Bhilai, R/o House No.3/1, Nehru Nagar (E), P.S. Supela, Bhilai, District Durg (C.G.).
4. Niranjana Asati, posted as Helper/Cleaner, House No.4/6, Nehru Nagar (E), P.S. Supela, Bhilai, District Durg (C.G.).

---Respondents

For petitioner	:	Shri D.N.Prajapati, Advocate.
For respondent	:	Shri Anup Majumdar, Advocate.
For State	:	Shri Lav Sharma, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

17/05/2018

1. The challenge in the present Writ Petition is to the notice of recovery dated 31/01/2018 whereby the respondents have issued an order of recovery for an amount of Rs.4,53,600/- from the petitioner on account of the alleged illegal occupation of the quarter belonging to the respondent No.2.
2. The contention of the counsel for the petitioner is that, the petitioner is working with the respondents since 1985 as a Daily Wage Employee and was subsequently regularized by the respondents as an Assistant Grade-II in

January-1997 and since then he is discharging his duties with all sincerity with the respondents.

3. He further submits that, in the year 2008, the petitioner had applied for the allotment of quarter. The Committee constituted under the respondent No.2 in respect of allotment of quarter had as early as on 09/10/2009 (Exh.P/3) had resolved that, as soon as availability of a vacant quarter, the same should be allotted to the petitioner, but though till now 10 years period has lapsed, the allotment has not been made.

4. Meanwhile, it has been reflected that the petitioner had suo-moto taken occupation of company's G-Type quarter since 2011 onwards and has been residing there. In between, no notice of eviction or a show cause notice or for that matter any demand for rent has been made from the petitioner by the respondents for the said occupation of the quarter till the impugned notice dated 31/01/2018 has been passed. According to the petitioner, he was also not paid HRA.

5. Given the entire factual matrix of the case this Court is of the opinion that, taking note of the fact that the petitioner is a low paid employee so also considering the facts that the quarter belongs to the respondent No.2 under whom the petitioner works, the quarter has not been allotted to any third person, the petitioner is in possession of the said quarter from about 7 years, the respondent authorities in the light of resolution of the Committee for allotment of quarter dated 09/10/2009 shall consider the allotment of quarter commensurate to the entitlement of the petitioner within a period of 60 days from today.

6. Subject to the petitioner being allotted a quarter, the petitioner would be required to shift to the said quarter and while allotment is made, the respondents shall also reconsider the issue of imposition of penal rent from the petitioner considering the fact that the petitioner is a low paid employee and who still in working with the respondents.

7. Till the respondents reconsider the entire issue of the petitioner in respect of the allocation of quarter so also the issue of charging penal rent, no recovery proceedings further should be made against the petitioner.

8. The Writ Petition accordingly stands disposed off.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit