

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 25.04.2019
CORAM
THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.12727 of 2018
and
WMP.No.14914 of 2018

C.Murali

...Petitioner

Vs

1. The Commissioner HR&CE
Uthamar Gandhi Salai
Nungambakkam, Chennai - 600 006.
 2. The Joint Commissioner/Executive Officer,
Arulmigu Subramania Swamy Thirukoil,
Thiruthani, Thiruvallur District.
 3. The Board of Trustee/Fit Person
Arulmigu Subramania Swamy Thirukoil
Thiruthani, Thiruvallur District.
- ...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ or order or orders or direction particularly in the nature of Writ of Certiorari, calling for the records culminating in the order passed by the second respondent under the impugned order dated 20.04.2018 made in Na.Ka.No.1954/2011/A1 and quash the same.

For Petitioner : Mr.R.Gophinath

For Respondent : Mr.M.Maharaja,
Spl.Govt.Pleader (HR&CE) for R1
Mr.P.Gopalan for R2 & R3

O R D E R

The order dated 20.04.2018, directing the writ petitioner to vacate the official quarters on or before 30.04.2018 and handover the possession to the office of the respondent is under challenge in the present writ petition.

2. Admittedly, the writ petitioner was terminated from service and he filed WP.No.9575 of 2018, challenging the order of termination. The writ petition is pending before this Court. The learned counsel for the writ petitioner states that, during

the pendency of the writ petition, the writ petitioner may be allowed to continue in the official quarters.

3. This Court of the considered opinion that, an employee who is in occupation of the official residence is not entitled to continue in the said quarters, after his retirement or on termination or if he is transferred to some other station. The official residences are meant for officials who all are in service and such facility is provided for the effective discharge of the public duties. Thus, the officer who is serving in the particular station alone is entitled to occupy the official quarters and the terminated or retired employees or the employees transferred to other stations are undoubtedly not entitled to continue in the Government quarters, which would affect the right of the serving officers in the particular station.

4. Mere pendency of a writ petition before the High Court is not a ground for continuing the official residence by the writ petitioner. In this view of the matter, the writ petitioner is directed to vacate the official residence within a period of 60 days and handover the key to the respondent. In the event of not vacating the premises, the respondents are directed to initiate all appropriate action and evict the writ petitioner without granting any further time.

5. Accordingly, the writ petition stands dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

WEB COPY

Pkn

To

1. The Commissioner HR&CE
Uthamar Gandhi Salai
Nungambakkam, Chennai - 600 006.

2. The Joint Commissioner/Executive Officer,
Arulmigu Subramania Swamy Thirukoil,
Thiruthani, Thiruvallur District.

3. The Board of Trustee/Fit Person
Arulmigu Subramania Swamy Thirukoil
Thiruthani, Thiruvallur District.

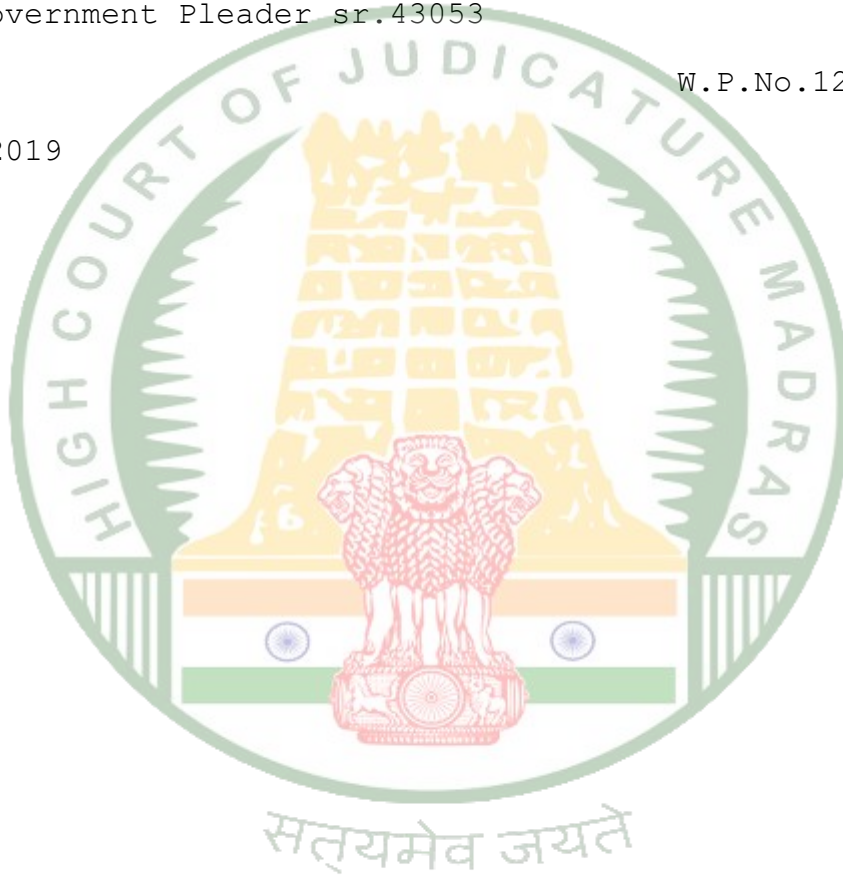
+lcc to Mr.R.Gophinath, Advocate sr.40333

+lcc to Mr.P.Gopalan, Advocate sr.40228

+lcc to Government Pleader sr.43053

W.P.No.12727 of 2018

nr 02/07/2019



WEB COPY