IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P. (S) No. 2462 of 2020

Dharma Raj Pandey, aged about 71 years, son of Late Sri Krishna Pandey, resident of Qtr. No. 1157, Sector 12-F, Bokaro Steel City, P.O., P.S. & District- Bokaro **... Petitioner**

-Versus-

1. Bokaro Steel Plant, a Unit of Steel Authority of India Limited (SAIL), Ispat Bhawan, Bokaro Steel City, P.O., P.S. & District- Bokaro
2. The Managing Director, Bokaro Steel Plant, Ispat Bhawan, Bokaro Steel City, P.O., P.S. & District- Bokaro
3. The Executive Director, (P&A), Bokaro Steel Plant, Ispat Bhawan, Bokaro Steel City, P.O., P.S. & District- Bokaro
4. The General Manager (Town Administration), Bokaro Steel Plant, Ispat Bhawan, Bokaro Steel City, P.O., P.S. & District- Bokaro
5. The Estate Officer, Bokaro Steel Plant, Ispat Bhawan, Bokaro Steel City, P.O., P.S. & District- Bokaro
6. The Deputy General Manager (TA & E), Bokaro Steel Plant, Ispat Bhawan, Bokaro Steel City, P.O., P.S. & District- Bokaro **... Respondents**

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner : Ms. Neha Bhardwaj, Advocate
For the Respondents : Mr. Vijay Kant Dubey, Advocate

04/04.12.2020. Heard Ms. Neha Bhardwaj, learned counsel for the petitioner and Mr. Vijay Kant Dubey, learned counsel for the respondents.

This writ petition has been heard through Video Conferencing in view of the guidelines of the High Court taking into account the situation arising due to COVID-19 pandemic. None of the parties have complained about any technical snag of audio-video and with their consent this matter has been heard on merit.

The petitioner has preferred this writ petition for direction to the respondents to pay the gratuity amount to the petitioner. The further prayer is made for direction to the respondents to charge normal rent of Rs.88/- per month of the quarter/premises occupied/retained by the petitioner from the date of their superannuation till the date of vacation. The further prayer is also

made for direction to the respondents not to take any coercive measures against the petitioner to vacate the quarter retained by the petitioner till the gratuity amount is paid to the petitioner.

Ms. Neha Bhardwaj, learned counsel for the petitioner submits that the petitioner joined the service on 15.06.1972 and he retired from the post of Junior Manager (E-I) on 30.09.2009. The Quarter Number of the petitioner is 1157, Sector 12-F, Bokaro Steel City. Before retirement, the petitioner was issued a Separation Order No.27291/R dated 14/24.07.2009, wherein, details of the service career of the petitioner was mentioned. The petitioner was also issued two letters dated 29.09.2009 and 12.07.2010 which disclose that the total amount of gratuity at Rs.9,80,537/- has been retained by the respondents in lieu of permitting the petitioner to retain his quarter. She further submits that the respondents took undertaking from the petitioner to retain the gratuity amount in lieu of the quarter retained by the petitioner despite his retirement. Now, the respondents are taking action against the petitioner to vacate the quarter vide notification dated 28.11.2018, contained in Annexure-4 of the writ petition. She further submits that the issue in question is not *res integra* as similar issue has been considered by this Court in the case of ***Ram Naresh Singh v. Bokaro Steel Plant & Ors.*** vide order dated 09.11.2012 in W.P.(S) No. 373 of 2012 and direction was given to the respondents to pay the gratuity amount with interest @ 6% per annum, contained in Annexure-5 of the writ petition. She also submits that the respondent-Bokaro Steel Plant has challenged the said order by filing L.P.A. No.15 of 2013, which was allowed by the Division Bench of this Court vide order dated 24.01.2014 and the order passed by the learned Single Judge dated 09.11.2012 in W.P.(S) No.373 of 2012 was set aside, contained in Annexure-6 of the writ petition. She further

submits that the order passed by the Division Bench of this Court dated 24.01.2014 was challenged before the Hon'ble Supreme Court in Civil Appeal No. 4740 of 2017, which was disposed of by the Hon'ble Supreme Court vide order dated 31.03.2017 by giving direction to the respondent-Bokaro Steel Limited to release the amount of gratuity forthwith along with interest @ 6% per annum from the date of retention of the amount till the date of actual payment, with a further direction it will be open to the respondents to charge normal rent of Rs.88/- per month of the quarter/premises in question for the period the same was retained/occupied by the employee after his superannuation, contained in Annexure-7 of the writ petition. She further submits that the issue in question has also been considered by the Division Bench of this Court in L.P.A. No.733 of 2018 vide order dated 20.01.2020, contained in Annexure-10 of the writ petition.

Mr. Vijay Kant Dubey, learned counsel for the respondents seeks time to file counter affidavit.

In view of the aforesaid facts, this writ petition is being disposed of in terms of the directions contained in ***Ram Naresh Singh Vs. Bokaro Steel Ltd. and Others (Civil Appeal No. 4740 of 2017)*** decided by the Hon'ble Apex Court and in L.P.A. No. 733 of 2018 and other analogous cases vide order dated 20.01.2020, decided by the Division Bench of this Court.

Accordingly, the petitioner is directed to vacate the quarter within a period of eight weeks and they shall appear before the competent authority, i.e., Chief General Manager (Town & 15 Administration) on 04.02.2021 and handover the keys of the vacated quarter and at the same time, the authority of the SAIL will handover the cheques of gratuity amount along with interest. However, the authority of the SAIL would deduct the normal rent for the

quarter/premise in question from the said amount for the period for which the petitioner had remained in occupation after his date of superannuation.

So far as the electricity charges are concerned, the authority of the SAIL would also be at liberty deduct the same from the said amount in the same manner at the same rate in which they had deducted it in the case of *Ram Naresh Singh (supra)*.

The authority of the SAIL is further directed to provide a detailed statement of interest given on the gratuity amount and deduction made to the petitioner at the time of handing over the cheques.

With the above observations and directions, this writ petition stands disposed of.

(Sanjay Kumar Dwivedi, J.)

Ajay/