

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 28.07.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO.27183 OF 2013

AND

M.P. NO. 2 OF 2013 & W.M.P. NO. 3728 OF 2018

P.Dhanraj

..Petitioner

- Vs -

1. The Commandant
Central Industrial Security Force Unit
Department of Atomic Energy
Kalpakkam 603 102.

2. The Estate Officer
Estate Management Section
Department of Atomic Energy
Kalpakkam 603 102.

..Respondents

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorarified mandamus to call for the records on the file of the 2nd respondent dated 18.6.2013 in reference No.GSO/CISF/NDC/2013/1313-RP-894 and quash the same and consequently direct the respondents to return the amount deducted from the petitioner in terms of the letter in reference No.GSO/CISF/NDC/2013/1313-RP-894.

For Petitioner : Mr. D.Saikumaran

For Respondents : Mr.C.V.Ramachandramurthy

ORDER

It is the case of the petitioner that he joined the Central Industrial Security Force in the year 1997 and now working as constable in the CISF Unit, Secunderabad. During the period August 2006 to July, 2011, the petitioner was posted to the Department of Atomic Energy, Kalpakkam and quarters was also provided. On 2.7.2011 the petitioner was transferred to Manguru, Andhra Pradesh and since no school was there and as his sons were doing +1 and +2 respectively, he did not vacate the quarters. Only on joining the CISF Unit at Hyderabad, the petitioner vacated the quarters at Kalpakkam. In the meanwhile,

on 18.6.13, the 2nd respondent issued a letter claiming arrears of rent in par with the market value by-passing the extended accommodation. Though the petitioner submitted a representation to the Commandant, CISF, Hyderabad, however, without passing any orders on the said representation, the amount claimed was started to be deducted from the salary of the petitioner. Therefore, the present petition has been filed.

2. Learned counsel appearing for the petitioner submits that though the petitioner was transferred out of Kalpakkam in July, 2011, however, the impugned order shows that the arrears of rent in par with the market value has been calculated from the year 2010 onwards, which is not correct. Therefore, it is prayed that this Court may direct the respondents to recalculate the amount without resorting to penal interest on the basis of the recommendation made by the CISF Unit, Hyderabad from 2011 onwards.

3. Learned Central Government Standing Counsel appearing for the respondents submitted that erroneously the calculation had been made from the year 2010 onwards, though the calculation for arrears of rent ought to have been made from July, 2011 and in this regard, reliance was placed on the counter affidavit, wherein the calculation has been made from July, 2011 has been shown. However, it is fairly conceded that this Court may pass a direction to the 2nd respondent to re-calculate the arrears of rent from July, 2011.

4. This Court bestowed its best attention to the contentions advanced by the learned counsel on either side and perused the materials available on record.

5. It is not in dispute that the petitioner was relieved from Kalpakkam on 2.7.2011. However, the impugned order reveals that arrears of rent has been calculated from the year 2010, which is wholly unsustainable. It has been fairly conceded by the learned standing counsel for the respondents that the calculation made in the impugned order is erroneous and, therefore, recalculation has to be ordered in terms with the calculation shown in the counter.

6. In such view of the matter, this Court, while setting aside the impugned order, remits the matter back to the 2nd respondent to recalculate the arrears of rent on the basis of the date of relief of the petitioner, i.e., July, 2011 taking into consideration the recommendation made by the Commandant, CISF Unit, Hyderabad, in accordance with law and furnish the recalculated amount and call upon the petitioner to pay the balance amount, if any, after giving due credits to the amounts already paid/recovered from the petitioner.

7. This writ petition is allowed with the aforesaid observation and direction. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS IV)

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Sub Assistant Registrar

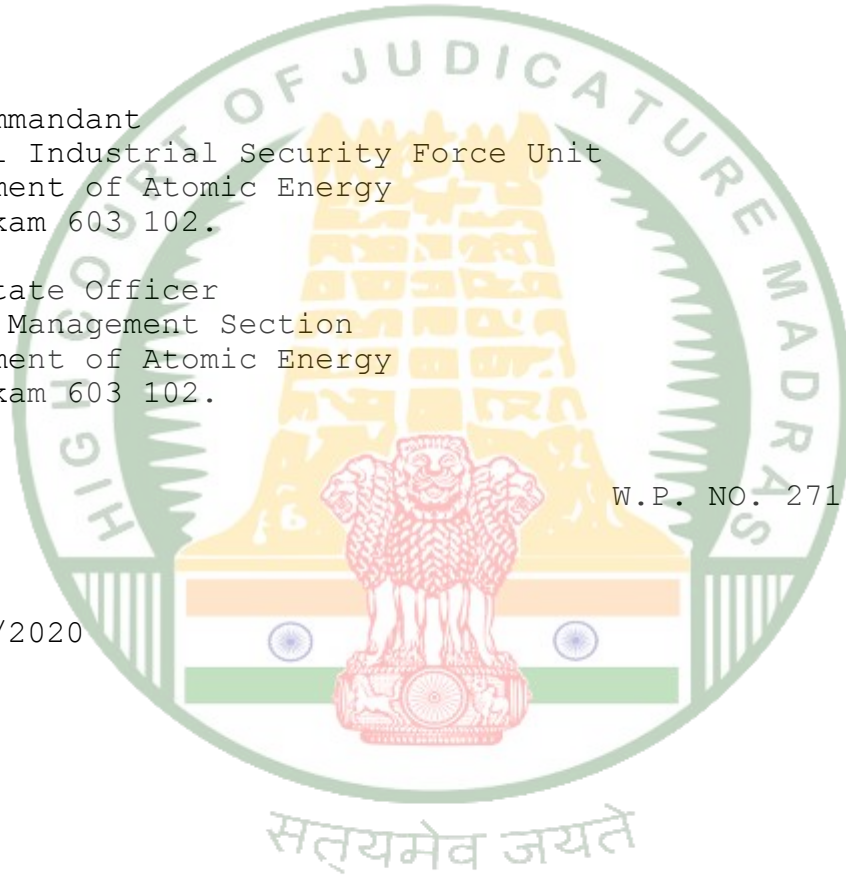
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To

1. The Commandant
Central Industrial Security Force Unit
Department of Atomic Energy
Kalpakkam 603 102.
2. The Estate Officer
Estate Management Section
Department of Atomic Energy
Kalpakkam 603 102.

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