

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2020

CORAM :

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.No.19473 of 2020 and
W.M.P.No.24077 of 2020

K.Girija

... Petitioner

-Vs-

- 1.Indian Drugs and Pharmaceuticals Limited,
(Govt. of India undertaking)
Rep by its Managing Director,
Corporate Office, Gurgaon,
Haryana State.
- 2.Indian Drugs and Pharmaceuticals (Tamil Nadu) Ltd.,
Rep by its Managing Director,
Nandambakkam,
Chennai 600 089.
- 3.The General Manager I/C and Estate Officer,
IDPL (Tamil Nadu) Ltd.,
Nandambakkam,
Chennai 600 089.

.... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records in respect of the impugned order dated 21.11.2020 passed by the third respondent and to quash the same as illegal and contrary to law and direct the respondents to pay the petitioner's retirement benefits now accumulated to Rs.9,56,582.62p.

For Petitioner : Mr.M.Perumbulavil Radhakrishnan

O R D E R

The present writ petition has been filed against the order of the respondent Company calling upon the petitioner to vacate the quarters occupied by her, within a period of three weeks, by notice dated 21.11.2020.

2. The case of the petitioner is that earlier she had worked in the respondent Company as Senior Assistant and then promoted as Accounts Executive and retired from service as early as on 30.11.2010. She was allotted the quarters during the period of her employment in the Company and was paying a meagre rent in terms of the policies of the Company.

3. The Company over a period of time suffered losses and therefore, finally it was closed. However, the employees and officers in the Company continued to stay in the quarters provided by the Company, despite its closure and also despite the retirement of the employees and the officers. In fact, the Company was declared sick by BIFR and was managing the Company with some casual employees. While so, in respect of the issue of occupation of quarters by the employees, the IDPL Employees Union filed a writ petition in W.P.No.39270 of 2003 in the year 2003, challenging the action of the Company, charging them a particular rate of rent for their occupation of the quarters. In that writ petition, this Court has passed an order on 03.09.2018. The relevant portion of the order is extracted hereunder:

"19. In view of the above facts and circumstances of the case, this Court is inclined to pass the following order:

i. That the prayer sought for in the writ petition cannot be granted as none of the members employees of the petitioner Union are present employees of the first respondent company.

ii. Since the employees have either retired on voluntarily basis or on superannuation long back, they have no right to occupy the quarters any more.

iii. Since, the Union Cabinet has decided for permanent closure of the company there is no scope for any retention of the quarters either on rental basis or for outright purchase basis, as expected by the employees Union.

iv. In view of the fact that most of the quarters have been sublet by the erstwhile employees, such kind of illegal occupants can very well be evicted by the first respondent company.

v. If such a move is initiated by the first respondent company seeking the support of law enforcing agencies (Police Force) for eviction of illegal occupants, such law

enforcing agencies shall render necessary assistance.

20. While making such an exercise, the respondents shall act upon that, in case of erstwhile employees are still in occupation and whose family or belongings are still in the quarters, notice shall be given to them to give explanation within two weeks and on receipt of such notice, explanation shall be given within such period and if no explanation is given within the said period of time, eviction proceedings can be issued against such occupants/employees and they may be evicted.

21. With these directions, the writ petition is disposed of. No costs.

The above said direction shall be complied with by the parties and a compliance report to that effect be filed before this Court by 25.10.2018."

4. As far as the petitioner is concerned, she was not a member of the Union as she belonged to the executive cadre. Her grievance is that despite her retirement on 30.11.2010, a substantial portion of the emoluments towards retirement benefits has been withheld due to her continued occupation of the quarters. According to her, she was only drawing monthly pension of Rs.2000/-. Therefore, she would not be able to secure any modest accommodation when she is forced to vacate the quarters.

5. From the averments contained in the affidavit filed in support of this writ petition, it is revealed that the petitioner was in fact issued with the notice earlier in 2018 and subsequent period, directing her to vacate the premises. But she stood her ground on the basis that her terminal benefits have not been settled. Finally, the present notice has been issued on 21.11.2020. Challenging the same, the present writ petition has been filed.

6. The learned counsel for the petitioner would strongly urge this Court to grant stay of the impugned order and contended that as being a lady, the petitioner cannot be directed to vacate the quarters without giving sufficient time. According to him, the petitioner being paid Rs.2000/- as a monthly pension, is not expected to survive when she is thrown out from the present occupation. The learned counsel also pleaded about the ill health of the petitioner and sought indulgence of this Court.

7. From the above factual narrative, it could be seen that the petitioner had retired from service as early as on 30.11.2010 and despite the same, she has managed to occupy the quarters for 10 long years. No doubt that the request is made on compassionate ground because of her health condition and meagre pension being paid to her. Nevertheless, the fact of the matter is that the petitioner has managed to stay in the quarters for 10 years with meagre rent paid for the quarters under her occupation.

8. Whatever be the circumstances of the petitioner's present condition, the petitioner cannot be allowed to stay in the quarters for indefinite period of time on her terms. The petitioner's refusal to vacate the quarters on the ground that unless her retirement benefits have been settled in full, is in the opinion of this Court is not to be appreciated for the simple reason that she cannot hold on to occupy the quarters illegally and demand the Company for payment of retirement benefits to her.

9. In fact, nothing has been stated in the affidavit as to what was legally due to the petitioner and why it was withheld by the Company all along. The petitioner has simply stated some amount is due to her and ostensibly the amount was not released because the petitioner has continued to stay in the quarters illegally for 10 years. Therefore, the petitioner cannot hold the payment of full retirement benefits as the ruse for occupying the quarters illegally not for a brief period but for a 10 long years. The time sought by the petitioner on health grounds could have been considered in the normal circumstances, but in this case, the petitioner having managed to occupy the quarters for 10 long years on untenable basis, ought to have arranged for alternate accommodation, all these years. Therefore, the request placed on behalf of the petitioner seeking some time to vacate the quarters in the opinion of this Court is not to be considered favourably.

10. In view of the above, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

gsk

To

1.The Managing Director,
Indian Drugs and Pharmaceuticals Limited,
(Govt. of India undertaking)
Corporate Office, Gurgaon,
Haryana State.

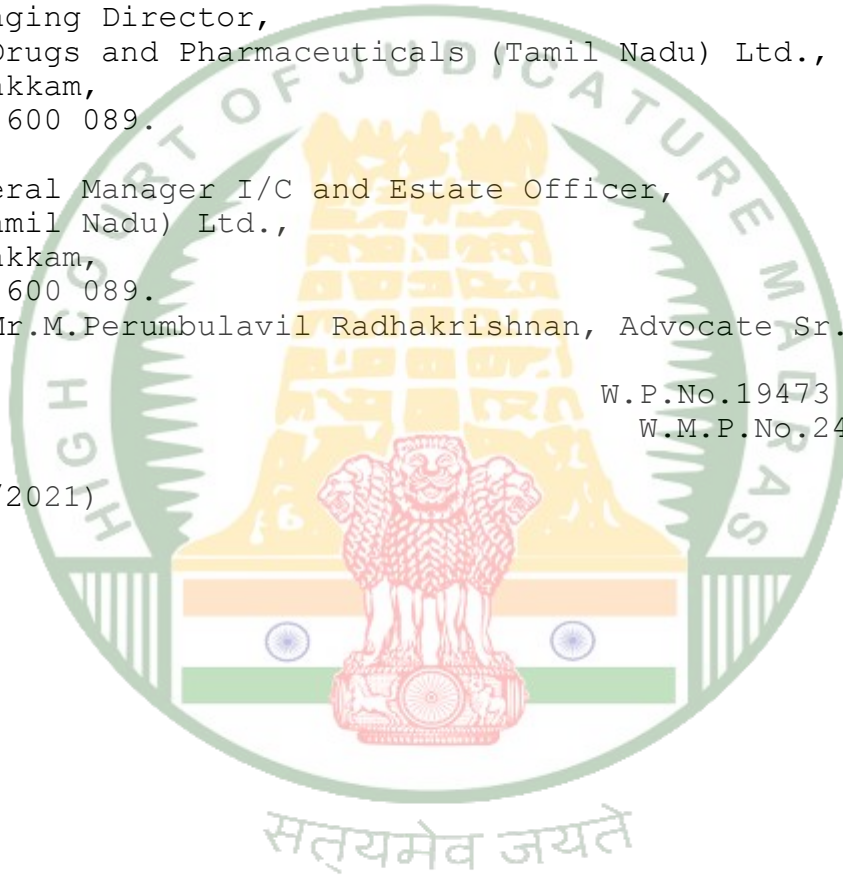
2.The Managing Director,
Indian Drugs and Pharmaceuticals (Tamil Nadu) Ltd.,
Nandambakkam,
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3.The General Manager I/C and Estate Officer,
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+1 cc to Mr.M.Perumbulavil Radhakrishnan, Advocate Sr.No. 42237

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RSI (CO)
RMP (19/03/2021)



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