

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 3939 of 2018**

Smt. Karuna Verma W/o Widow Of Late Beni Ram Verma, Aged About 53 Years, Peon, Bhilai Municipal Corporation Bhilai, District-Durg, R/o House No. 367, Street No. 20, Sundar Nagar, Kohka, Ward No. 8, Bhilai, District- Durg, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Urban Administration Department, Mantralaya, Mahanadi Bhawan, New Raipur, District-Raipur, Chhattisgarh
2. Commissioner, Bhilai Municipal Corporation, Bhilai, District- Durg, Chhattisgarh
3. Assistant Commissioner, Bhilai Municipal Corporation, Bhilai, District-Durg, Chhattisgarh
4. Zone Commissioner, Zone -1, Nehru Nagar, Bhilai Municipal Corporation, Bhilai, District- Durg, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Uttam Pandey, Advocate
For State	:	Mr. Neeraj Pradhan, P.L.
For Municipal Corporation, Bhilai	:	Mr. Anmol Sharma, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****05.10.2021**

1. The present writ petition has been filed assailing the order Annexure P-1 whereby the respondent no.2 has issued an order for recovery of Rs.2,64,600/- towards penal rent for occupying quarter No. EWS-8/1.
2. The contention of the counsel for petitioner is that the petitioner is an employee of respondent no.2 working as a Peon. The petitioner

came in occupation of quarter No. EWS-8/1 situated at Kosa Nagar which was lying vacant. Subsequently, the moment the respondents issued a notice, the petitioner immediately vacated the said quarter. Meanwhile, the respondents have issued the order of recovery Annexure P-1 to the tune of Rs.2,64,600/-. Counsel for petitioner submits that now since the petitioner has vacated the premises and has shifted to a different place, the respondent authorities may consider waiving of the penal rent for the occupation of the said quarter. The petitioner undertakes that she is willing to pay the normal rent for the said period to the extent of her occupation of the said quarter. It is further contention of the petitioner that in identical matters, the respondent Corporation have in fact waived the penal rent in respect of similarly placed low paid employees who were also occupying the quarters of the respondent Corporation which were lying vacant till the recent past itself. Counsel for petitioner referred to the order passed by this Court in WPS Nos. 3485/2018 & 3553/18 & WPC No.1400/18. In all those cases, it is said that the penal rent has been waived by the respondents.

3. Counsel appearing for the respondent-Corporation submits that let the petition be disposed of permitting the petitioner to approach the respondent no.2 by way of a request letter for waiving of penal rent and for recovering the normal rent payable for the said quarter and the request of petitioner shall be decided afresh in accordance with law governing the field at the earliest and also considering the past precedents.
4. Given the said submission by the counsel for the parties, the Writ Petition at this juncture stands disposed of permitting the petitioner to

approach the respondent no.2 by way of a request letter to be made within a period of 15 days from today and the respondent no.2 in turn shall consider the request of petitioner for waiving of the penal rent part by taking a sympathetic consideration. While taking a decision, the respondent shall also take note of the recent decisions that were taken by the respondent-Corporation in the case of similarly placed employees.

5. The writ petition accordingly stands disposed of.

**Sd/-
(P. Sam Koshy)
Judge**