

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2198 of 2013

- Ashok Kumar Bishwas S/o Late Rajbansh Singh
Aged About 54 Years Working As Dy. Manager
(Personnel), R/o Q.No. B/10, Jaiprakash
Colony, SECL, PO Korba Colliery, District
Korba, C.G. PIN 495677

----- Petitioner

Versus

1. South Eastern Coalfield Limited Throuogh Its
Chairman Cum Managing Director, Seepat Road,
Bilaspur, C.G. PIN 495006.
2. Chief General Manager SECL, Korba Area, PO
Korba Colliery, Distric Korba, C.G. PIN
495677.
3. Chief General Manager SECL, Chirmiri
Colliery, PO Chirimiri, District Sarguja,
C.G.

----- Respondents

For Petitioner :- Mr. Gary Mukhopadhyay, Adv.
For Respondents :- Mr. Sudhir Kumar Bajpai, Adv.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

13/09/2021

1. Learned counsel for the petitioner submits

that the representation for refund of penal rent has been rejected on the ground that there is no provision for refund of deducted penal rent in lieu of non vacation of company's quarter on the ground of transfer whereas, petitioner's case is that penal rent could not be recovered here, therefore, he is entitled for the refund and the impugned order dated 06.07.2013 is liable to be set aside.

2.Learned counsel for the respondents supports the impugned order.

3.I have heard learned counsel for the parties and considered their rival submissions made herein-above and also perused the record with utmost circumspection.

4.The petitioner's case is that he has been transferred from Korba to Chirmiri, Kurasia Colliery, and for two and half years no accommodation was provided at Chirmiri, Kurasai, Colliery, on the various reasons, therefore he stayed in quarter at Korba, therefore, the penal rent could not have been recovered. In the meeting of Functional Directors vide order Aneexure P/1, it has been

held that there is no provision for refund of deducted penal rent in lieu of non vacation of company's quarter on the ground of transfer. However, in the meeting it has not been considered whether the deduction of the penal rent was proper and the petitioner was not provided with the vacant and habitable quarter at Chirmiri, Kurasia Colliery, where he was transferred. The issue of penal rent could have been considered in more detail in the meeting of Functional Directors which has not been considered and, as such, the impugned order (Annexure P/1) is set aside and the matter is remitted to the concerned authority for considering the matter afresh within ten weeks in accordance with law and to pass a reasoned and speaking order. Interim Relief granted by this Court on 2nd August, 2013 shall remain in operation for the period of ten weeks.

5. The writ petition is allowed to the extent indicated herein-above.

Sd/-
(Sanjay K. Agrawal)
Judge

Ankit