

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.25167 of 2022

Hemalata Jena

Petitioner(s)

....
Mr. M. Mishra,
Sr. Advocate being assisted by
Mr. S. Senapati,
Advocate

-versus-

State of Orissa & Ors.

Opposite Party(s)

....
Mr. S. Mishra,
ASC
Mr. P.K. Mohanty,
Sr. Advocate

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
06.02.2023**

Order No.

10. 1. Heard the submissions of Mr. Mishra, learned Senior Advocate appearing on behalf of the Petitioner and Mr. Mohanty, learned Senior Advocate appearing on behalf of the Bhubaneswar Municipal Corporation.
2. Undisputedly Petitioner being an employee of the Bhubaneswar Municipal Corporation got retired from her service with effect from 30.06.2022. For the settled position of law there is no room for accommodating a retired employee after his/her superannuation in the allotted quarters on whatsoever ground may be. Further there is also no scope for considering grounds raised herein as there must be long que by persons continuing in the establishment. It is at this stage of the matter Mr. Mishra, learned Senior Advocate filing an I.A. in Court today seeks liberty of this Court to the Petitioner to approach the

Government for alternate accommodation. Registry is directed to register the same. Looking to the condition of the Petitioner involved herein at present claiming to be a widow and issueless lady, this Court without expressing any opinion on the claim of the Petitioner, observes, it is up to the Petitioner to move any competent authority.

3. Considering that there is already long occupation of the quarters involved by the Petitioner after her retirement, this Court directs the Petitioner to vacate the quarters involved at least by end of May, 2023, but however on payment of two times of the rent for such accommodation, she was paying at the time of superannuation. It is also made clear that this order will not create any precedent involving any other matters.

4. Writ Petition stands disposed of with the above order.

(Biswanath Rath)
Judge