

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No. 6311 OF 2022

Bijayalaxmi Mohanty ***Petitioner***
Mr. Swapna Kumar Ojha, Advocate
-versus-
State of Odisha and others ***Opp. Parties***
Mr. Swayambhu Mishra,
Additional Standing Counsel

CORAM:
JUSTICE K.R. MOHAPATRA

Order No.

ORDER
06.04.2022

3. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition prays for a direction to the Opposite Parties to consider allotment of Qrs. No.IV-N-64, Unit-IV, Bhubaneswar in modification of allotment order dated 16th February, 2022 under Annexure-5.
3. Mr. Ojha, learned counsel submits that the Petitioner is in occupation of Government Qrs. No.IV-N-3 in Unit-IV, Bhubaneswar. As the said quarter along with 50 other Government quarters are required to be demolished for construction of multistoried residential building on the same area for MLAs and Government employees, the occupants of the said quarters were required to be relocated. Accordingly, the Petitioner was allotted with Qrs. No.41, Type-2RA, Unit-II vide Order No.4478/CA dated 16th February, 2022. But, on verification, it is ascertained that the said Government quarters is not at all in habitable condition. Referring to the additional affidavit filed by the Petitioner on 4th April, 2022, Mr. Ojha, learned counsel submits that at the time of cancellation of allotment of Qrs. No. IV-N-3 in Unit-

IV, Bhubaneswar, where the Petitioner is residing, Qrs. Nos. 49, 50, 56 and 57 were available to be allotted. Although the Petitioner is a Senior Teacher in Government Primary School, Mancheswar, Bhubaneswar, her request was not considered and the said quarters were allotted to the drivers and personal security personnel of the high officials, even if their allotments were cancelled more than six months after the cancellation of allotment of quarter of the Petitioner. It is his submission that Qrs. No. IV-N-64 in Unit-IV is available to be allotted, which is at present in occupation of one Karunakar Biswal, Driver, who has already written to the authority to vacate the said quarters with effect from 30th April, 2022 (Annexure-6). The authorities without considering her request vide letter dated 29th March, 2022 for allotment of the said quarters are insisting upon her to accept the allotment of Government Qrs. No.41, Type-2RA in Unit-II, Bhubaneswar. Hence, this writ petition has been filed for the aforesaid relief.

4. Taking into consideration the contention of learned counsel for the Petitioner, this Court vide order dated 22nd March, 2022 requested the learned State Counsel to take instruction if any suitable official accommodation can be provided in favour of the Petitioner. In response to the said order, Mr. Mishra, learned Additional Standing Counsel on receipt of the written instruction vide Letter No.8783/CA dated 30th March, 2022 from the Addl. Director of Estates-cum-Joint Secretary to Government submits that since Qrs.No.IV-N-64 in Unit-IV, Bhubaneswar is not vacant at present, no allotment order can be issued in respect of the said Government quarters. However, necessary repairing shall be undertaken in respect of Government Qrs. No.41, Type-2RA in Unit-II, Bhubaneswar at an early date to make it habitable, if the Petitioner accepts the allotment of said quarters.

5. In the facts and circumstances of the case, this Court is of the considered opinion that the Petitioner cannot have a choice of

allotment of any particular quarters. However, the Petitioner being a Government employee is entitled to be allotted with a Government quarters as per her entitlement. Since the Additional Director of Estates-cum-Joint Secretary to Government in G.A. and P.G. Department, Bhubaneswar undertakes to repair the Qrs. No.41, Type-2RA in Unit-II, Bhubaneswar within a short period to have a decent living of a Government employee at par with other quarters of similar nature, the Petitioner should not have a grievance for such allotment.

6. Accordingly, this writ petition is disposed of with a direction that in the event the Petitioner accepts the allotment of Qrs. No.41, Type-2RA in Unit-II, Bhubaneswar by completing all paper works at Rent Office, within a period of two weeks hence, necessary repairing of the quarters shall be completed for a decent living of a Government employee at par with other similar nature of Government quarters within a period of three months thereafter.

7. Till Qrs.No.41, Type-2RA in Unit-II, Bhubaneswar is made ready, subject to acceptance of the said allotment by the Petitioner within the stipulated period, as stated above, no coercive measure shall be taken against the Petitioner for her eviction from Qrs. No.IV-N-3 in Unit-IV, Bhubaneswar.

Urgent certified copy of this order be granted on proper application.

A free copy of this order shall be handed over to Mr. Mishra, learned Additional Standing Counsel for communication.

(K.R. Mohapatra)
Judge

bks