

IN THE HIGH COURT OF ORISSA AT CUTTACK
WPC(OAC) No.3354 of 2014

Jayantirani Parhi

....

Petitioner

None

-versus-

State of Odisha & Others

....

Opposite Parties

Mr. L. Samantaray, AGA

CORAM:
JUSTICE M.S. RAMAN

ORDER

Order No.

21.10.2022

2. 1. The Petitioner was aggrieved by the notice for recovery of penal licence fee of Rs.87,000/- on the allegation of unauthorized occupation of Govt. quarter.
2. At the time of call, none appeared for the Petitioner.
3. Mr. L. Samantaray, learned Addl. Govt. Advocate has referred to para-3 of the counter affidavit which is as follows:-

“That in reply to averments in Para 6.1 & 6.5 of the O.A, It is humbly submitted that the applicant being an emergency paramedical staff i.e. staff nurse, was allotted rent-free govt.qtr No.33 vide order No.1823 dtd.31.10.1998 in the interest of patient care. However, the applicant occupied another Govt. Qtr No.29 in the same block unauthorizedly. To corroborate the fact, the report dtd.22.12.2010 of the committee constituted vide letter No.23239 dt.20.10.2010 for taking inventory of all the Govt. Quarters occupied by nursing personnel are annexed here with as ANNEXURE-A3 for kind perusal of the Hon’ble Tribunal. In the said report, it was clearly mentioned that the applicant was though allotted quarter No.33, she had in occupation of extra Govt. Quarter No.29 unauthorizedly.

It is further submitted that the A.G. Audit raised objection for Non recovery of penal licence fee for unauthorized occupation of Govt. Quarter. Accordingly, the applicant vide

this office order No. 2326 dt.31.10.2012 was intimated for recovery of penal licence fee amounting to Rs.87,000/- from her salary. Despite of opportunity given to the applicant, she did not choose to make payment of the dues. Consequently, recovery process was initiated against the applicant by deducting an amount of Rs.3,000/- P.M. from her salary w.e.f. September- 2014 vide the impugned order in Annexure-8 to the O.A. As such the order so issued on dtd. 16.10.2014 under Annexure-8 cannot be said as illegal and without any jurisdiction.”

4. In view of the aforesaid stands by the Opposite parties, the writ petition does not reserve any consideration.

5. Hence, the writ petition stands dismissed.

(M.S. Raman)
Judge

Aks

