

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No. 1036 of 2011

Premananda Behera

.....

Petitioner

Mr. A.S. Nandy, Adv.

Vs.

State of Odisha and others

.....

Opposite Parties

Mr. A.K. Mishra, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

13.10.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard Mr. A.S. Nandy, learned counsel for the petitioner and Mr. A.K. Mishra, learned Addl. Government Advocate.

3. The petitioner has filed this writ petition seeking direction to the opposite parties to allow him to pay the house rent from 09.05.2005 to 31.03.2007 on normal rent and from 01.04.2007 to 29.03.2010 on revised standard rent as per the order of the Superintending Engineer-opposite party no.3 under Annexure-1. He further seeks direction to the opposite parties to allow him to deposit the total amount of Rs.36,994/- towards house rent dues on him by quashing Annexure-6 and 8 which have been issued by opposite party no.4 ignoring Annexures-1,4,5 and 7.

4. Mr. A.S. Nandy, learned counsel for the petitioner contended that after the retirement of the petitioner, he had retained the quarter for four months. Thereafter, he had been permitted to retain the quarter for a certain period, for which he is liable to pay the normal standard rent and beyond that period also if he unauthorizedly retained the quarter, the petitioner can be permitted to do so on payment of normal standard rent.

5. Mr. A.K. Mishra, learned Addl. Government Advocate

contended that since the petitioner was in unauthorized occupation of the quarter for a quite long period, as per the provisions contained in Government circular, he is liable to pay the penal rent. It is further contended that even though the petitioner had retained the quarter for four months, but he has not paid the normal standard rent, therefore, penal rent has been charged on the petitioner, which he is liable to pay.

6. Having heard learned counsel for the parties and after going through the records, this Court finds that the petitioner has retired from service. After his retirement, he was permitted to retain the quarter for four months, for which he has to pay the normal standard rent and, as such, for the period he was permitted to retain the quarter, he is also to pay the normal standard rent. But for the period which he was unauthorizedly occupying the quarter, i.e., beyond the permitted period, the petitioner is liable to pay the penal rent and, as such, the authority can recover the same. In such view of the matter, it is open to the opposite parties to compute the entire dues payable by the petitioner and communicate the same to the petitioner, so that he can pay the same within the time stipulated by the authority.

7. With the aforesaid observation and direction, the writ petition is disposed of.

(DR. B.R. SARANGI)
JUDGE

Ashok