

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE THIRTIETH DAY OF JANUARY
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
THE HONOURABLE SRI JUSTICE PULLA KARTHIK

WRIT PETITION NO: 22684 OF 2010

Between:

1. The Principal General Manager, Telecom District Hyderabad (BSNL)
Adarshnagar, Hyderabad
2. The General Manager, Telecom District (BSNL) Warangal

...PETITIONERS

AND

1. D. Ramaiah, S/o Subbarayudu, Aged about 57 years, Sub-Divisional
Engineer (Admn) (Retd.) R/o Flat No. 358-B, Block No.11 Janapriya
Township Mallapur, Hyderabad
2. The Hon'ble Central Administrative Tribunal, Rep by its Registrar, Hack
Bhavan Nampally, Hyderabad

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or direction particularly one in the nature of writ of certiorari in declare the judgment dt. 09-04-10 in TA No. 8/2009 (WP No. 17600 of 2005) on the file of the Central Administrative Tribunal, Hyderabad Bench, Hyderabad, as bad illegal, arbitrary, void and quash the same.

I.A. NO: 1 OF 2010(WPMP. NO: 28937 OF 2010)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of the Judgment dt. 09-04-2010 in TA No. 8/2009 (WP

No. 17600 of 2005) on the file of the Central Administrative Tribunal, Hyderabad bench, Hyderabad pending disposal of the above writ petition.

I.A. NO: 1 OF 2013(WVMP. NO: 513 OF 2013)

Between:

1. The Principal General Manager, Telecom District Hyderabad (BSNL) Adarshnagar, Hyderabad
2. The General Manager, Telecom District (BSNL) Warangal

...PETITIONER(S)(PETITIONER IN WP.NO. 22684 OF 2010 ON THE FILE OF HIGH COURT)

AND

1. D. Ramaiah, S/o Subbarayudu, Aged about 57 years, Sub-Divisional Engineer (Admn) (Retd.) R/o Flat No. 358-B, Block No.11 Janapriya Township Mallapur, Hyderabad
2. The Hon'ble Central Administrative Tribunal, Rep by its Registrar, Hack Bhavan Nampally, Hyderabad

...RESPONDENTS(S)(RESPONDENTS-IN-DO)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to vacate the interim orders passed on 13.9.2010 in WPMP.No.28937 of 2010 in WP.No.22684 of 2010 in the interest of justice.

Counsel for the Petitioner: SMT. P SARADA (SC FOR BSNL)

Counsel for the Respondent No.1: SRI. A RAGHU KUMAR

The Court made the following: ORDER

**THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
THE HON'BLE SRI JUSTICE PULLA KARTHIK**

WRIT PETITION No.22684 OF 2010

ORDER: (per AKS,J)

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioners aggrieved by the order, dated 09.04.2010, passed in T.A.No.8 of 2009 (W.P.No.17006 of 2005) by the Central Administrative Tribunal, Hyderabad Bench, Hyderabad (for short, 'the Tribunal').

2. Heard Ms. P. Sarada, learned Standing Counsel for BSNL, appearing for the petitioners and Dr. A. Raghu Kumar, learned counsel for the respondent No.1.

3. Learned Standing Counsel appearing for the petitioners had contended that the respondent No.1 while working as Junior Telecom Officer at Hyderabad, was allotted quarter No.C7, Type-III, at Tarnaka Telecom Staff Quarters. He was transferred from Hyderabad to Warangal *vide* proceedings, dated 22.07.2003. In spite of the same, the respondent No.1 did not vacate the quarters and occupied the same

unauthorizedly. Therefore, the petitioners have imposed double the rent for a period of six (6) months and thereafter, levied penal rent and recovered the same from the respondent No.1. The respondent No.1 finally vacated the quarters on 08.05.2005. As the respondent No.1 has occupied the quarters contrary to the Rules, the petitioners have rightly imposed double the rent for certain period and thereafter, penal rent. Aggrieved by the said action of the petitioners, the respondent No.1 has approached the Tribunal by filing the subject T.A. and the Tribunal, *vide* impugned order, dated 09.04.2010, was pleased to direct the petitioners to collect only double the license fee from the respondent No.1 for occupying the quarters from 23.03.2004 to 30.04.2005, with a further direction to refund the balance amount to the respondent No.1, without appreciating any of the contentions raised by the petitioners. Therefore, appropriate orders be passed in the Writ Petition by setting aside the impugned order and allow the Writ Petition.

4. On the other hand, learned counsel for the respondent No.1 had contended that the Tribunal was justified in directing the petitioners to collect only double the license fee and refund the balance amount to the respondent No.1. Learned counsel further contended that the respondent No.1 is now aged about 76 years and at this point of time, interfering with the impugned order passed by the Tribunal may not be necessary and therefore, the Writ Petition be dismissed.

5. This Court, having considered the rival submissions made by the learned counsel for the parties, is of the view that the Tribunal was justified in allowing the subject T.A. in favour of the respondent No.1. The Tribunal was pleased to close the long pending case. The Tribunal has rightly observed that the ends of justice would be met if the petitioners are directed to collect only double the license fee instead of collecting the penal rent. Now, we are in the year 2023 and as on today, the respondent No.1 is aged about 76 years. Further, the Tribunal has also observed that it is not indicated anywhere in the material papers available on record as to what is the penal rate

of rent. On this ground also, the Tribunal was justified in allowing the subject T.A. in favour of the respondent No.1. Therefore, this Court is not inclined to interfere with the impugned order passed by the Tribunal.

6. The Writ Petition is, accordingly, dismissed. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

//TRUE COPY//

SD/-G.SIREESHA
ASSISTANT REGISTRAR
SECTION OFFICER

To,
1. One CC to Smt. P Sarada (SC for BSNL) [OPUC]
2. One CC to Sri. A Raghu Kumar, Advocate [OPUC]
3. Two CD Copies

T J

BS

HIGH COURT

DATED:30/01/2023

ORDER

WP.No.22684 of 2010



**DISMISSING THE WRIT PETITION
WITHOUT COSTS.**

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