



WEB COPY



W.A.No.3049 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.10.2024

CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.A.No.3049 of 2024 and

C.M.P.No.23081 of 2024

T.Rajkumar

... Appellant/Petitioner

-VS-

The Superintendent of Prison,
Central Prison,
Coimbatore.

Respondent/Respondent

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 30.09.2024 made in W.P.No.12220 of 2012.

For Appellant : Mr.R.Sankarasubbu

For Respondent : Mrs.V.Yamunadevi,
Spl. Govt. Pleader

J U D G M E N T

(By D.Krishnakumar,J.)

This Writ Appeal has been filed, challenging the order dated 30.09.2024 made in W.P.No.12220 of 2012, in and by which, the order of vacating the official quarters was upheld by the learned Single Judge.



W.A.No.36 of 2012

WEB COPY

2. It is the case of the appellant that on account of his removal from service vide order dated 08.04.2010, an eviction notice dated 09.04.2012 was issued to him for vacating the quarters at Coimbatore, which is illegal and unjust. When the eviction notice was put to challenge before the learned Single Judge on the ground of violation of interim order passed by this Court, the Writ Petition came to be dismissed, challenging which, the instant appeal has been preferred before this Court.

3. Learned Special Government Pleader appearing for the respondent drew out attention to the Government Order dated 19.05.1988 issued in G.O.Ms.No.831, which was circulated by the Executive Engineer (PWD) to all the Pay Disbursing Officers vide letter dated 02.09.1988, wherein in Paragraph No.5, it has been stated as follows:

“5. The Government, after careful examination, approve the proposal of the Chief Engineer (Buildings) to collect the penal rent from the Government Servants, who occupy the Government PWD quarters even after their retirement and transfer, etc., instead of Market rate of rent as was collected hitherto. According, they issue the following orders:

(i) In cases of extension granted by the Government for the occupancy of the Public Works Department Quarters beyond the date of retirement or transfer etc., the penal rent rate may be one and half times of the rent last paid.

(ii) In cases of continued occupation of the quarters without proper



W.A.No.36 of 2024

authority after retirement or transfer, etc., three times of the rent last paid.”

WEB COPY

4. It is not in dispute that the appellant was dismissed from service and the said order has not been set aside. Therefore, he cannot have any right to continue in the quarters. Hence, four weeks' time from the date on which the order copy is made ready, is granted to the appellant to vacate the quarters and hand over the possession to the concerned authority. It is made clear that it is open to the Government to collect the rent as per the Government Order in force as on date.

5. With the above observation and direction, this Writ Petition is dismissed.

No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K,J.] [P.B.B,J.]
15.10.2024

Index: Yes / No
Internet: Yes / No
Speaking Order/Non Speaking Order
ar

To:

The Superintendent of Prison,
Central Prison,
Coimbatore.



WEB COPY



W.A.No.3049 of 2024

D.KRISHNAKUMAR,J.,
AND
P.B.BALAJI,J.,
ar

W.A.No.3049 of 2024
2/2

15.10.2024