

(2004) 03 JH CK 0053

Jharkhand High Court

Case No: Writ Petition (C) No. 1314 of 2002

Dev Das Mishra

APPELLANT

Vs

The Managing Director, SAIL,
Bokaro Steel Plant

RESPONDENT

Date of Decision: March 26, 2004

Acts Referred:

- Constitution of India, 1950 - Article 226

Citation: (2004) 2 JCR 543

Hon'ble Judges: Amareshwar Sahay, J

Bench: Single Bench

Advocate: Jitendra Kumar, for the Appellant; G.M. Misra and A. Sen, for the Respondent

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

Amreshwar Sahay, J.

The prayer of the petitioner in this writ petition is for a direction to the respondents to refund the amount realized by the respondent towards penal house rent from 10.4.1998 to 30.12.1998 at the rate of Rs. 1338/- per months after declaring the action of the management to be illegal and arbitrary.

2. The petitioner being an employee of the respondent was allotted quarter No. 3032/XIIC at Bokaro Steel City and was in occupation thereof. By issue of Annexure-1, a notice dated 24.2.1998 was served to the petitioner by the respondent, wherein it was mentioned that the petitioner had sublet his quarter in question unauthorisedly in violation of terms and conditions of allotment of quarter and therefore, he was directed to remove the unauthorised, sublette within seven days from the date of issue of the letter, failing which necessary action including cancellation of the allotment of the quarter will be taken against him. It is stated that pursuant to the notice, recovery of penal house rent from the pay slip of the

petitioner was started by deducting an amount of Rs. 1338/- per month in addition to normal recovery of house rent and electricity bill per month. Thereafter, the petitioner by filing an application to the Town Administration Department disputed the allegation made against him and stated that he himself was residing in the said allotted quarter No. 3032/XIIC and therefore, he requested the authorities to stop the recovery of penal rent from his salary. The petitioner submits that inspite of several letters and reminders the amount for the period i.e. 10.4.1998 to 30.12.1998 realized from his towards penal rent has not been refunded.

3. On the other hand, on the basis of the averments made in the counter affidavit, the learned counsel for the respondent submitted that precondition for allotment of quarter to an employee is that no employee shall sublet in the residence allotted to him or any of the out houses and garage thereto to any person and if it is found that there is a subletting in the quarter allotted to him, then he shall render himself liable for payment of penal house rent as per the rule of the company. According to the respondents, a complaint was received by the office that the petitioner has sublet his quarter in question. On receipt of such complaint, an enquiry was conducted on 24.2.1998 and it was found that the petitioner had sublet the quarter to a contractor who is a non-employee of Bokaro Steel Plant. On receipt of the enquiry report, a notice was sent to the petitioner on 24.2.1998 directing him to remove the Sublette. As the sublet was not removed, another notice was also sent to him on 10.3.1998 by way of reminder. It is further stated that inspite of the said notice the petitioner did not comply the direction of the respondent and then the management cancelled the allotment of the quarter in question on 10.4.1998 and started realization of the penal house rent w.e.f. 10.4.1998. It is further stated by the respondent that however, subsequently on physical verification conducted on 21.1.1999 it was found that the petitioner has removed his unauthorized sublet and then the order was issued on 18.2.1999 revoking the cancellation of the allotment of quarter in his favour and also refunded the amount realized by way of penal house rent from 31.12.1998 to February 1999.

4. From the averments made in the writ petition as well as in the counter affidavit I am of the opinion that since after enquiry it was found that the petitioner had actually sublet the quarter in question, which was allotted to him for his personal occupation, to a persons who was a non- employee of Bokaro Steel Plant and therefore, the management was fully justified to realizing the penal rent from his pay, as per the terms of the allotment of quarter rule, for the period he has un-authorisedly sublet the said quarter in question to any outsider. The action of the management cannot be said to be unjustified or arbitrary. Therefore, I do not find any merit in this application. It is accordingly dismissed.