

THE HIGH COURT OF MADHYA PRADESH

W.P.No. 16467 / 2017

[BRINDAWAN LAL Vs. ASSISTANT COMMANDANT (ADMN) & OTHERS]

Jabalpur, Dated : 16.11.2018.

Mr. Ashok Singh, Advocate for the petitioner.

Mr. Gopi Chourasia, Advocate for respondent Nos. 1 to 3.

Heard.

By this writ petition under Article 226 of the Constitution of India, the petitioner is challenging the order of recovery of penal rent dated 4.9.2017 (Annexure P/4).

The petitioner retired from service on 30.4.2014 from the post of Assistant Sub Inspector. He was allotted family quarter No.200-N3, Sector C, BHEL, Bhopal. In the earlier round of litigation, he filed Writ Petition No.1708/2015, on the ground that his children are studying and, therefore, he may be granted some time to vacate the quarter. During the course of arguments, he made a statement that he is ready and willing to vacate the accommodation by 30.6.2015 and is also ready and willing to pay the rent as per the Rules, for the period in which the accommodation remains in his possession. Considering the aforesaid, on 6.2.2015 an interim order was passed in his favour directing the respondents therein not to evict him from the accommodation in question. After reply was filed on 16.5.2016, the writ petition was dismissed by holding that he has no legal right to occupy the quarter after his retirement from service, with liberty to the respondents to recover the amount in question in accordance with law from the petitioner.

As the petitioner has not vacated the quarter as per the assurance given in the earlier round of litigation, therefore, penal rent was imposed, as per the Rules, for the period upto 18.11.2016.

Learned counsel for the petitioner has drawn our attention to Annexure P/5 and submitted that a representation has been made to the competent authority to consider the case for waiver of penal rent. No representation has been filed regarding the impugned action.

Mr. Gopi Chourasia, learned counsel appearing for respondents 1 to 3, had drawn out attention to the Rules and submitted that penal charge was payable by the petitioner as per the Rules which was prevailing at the time when he was occupying the quarter.

Considering the aforesaid, we are of the view that the respondents have rightly imposed the penal charge because petitioner has failed to vacate the premises on or before 30.6.2015. Therefore, the respondents are entitled to penal charge for the period upto 18.11.2016. No case is made out to interfere with the impugned action or to quash the order-dated 4.9.2017.

The writ petition filed by the petitioner has no merits and is accordingly dismissed.

(P.K. JAISWAL)
J U D G E

(B.K. SRIVASTAVA)
J U D G E

Aks/-