

Mukh Ram Sharma Vs. Project and Development India Ltd. and anr.

Mukh Ram Sharma Vs. Project and Development India Ltd. and anr.

SooperKanoon Citation : sooperkanoon.com/136349

Court : Patna

Decided On : Apr-13-1993

Judge : S.N. Jha and Narayan Roy, JJ.

Acts : Service Law; [Constitution of India](#) - Article 226; Premises Eviction of Unauthorised Occupants Act, 1971

Appeal No. : CWJC No. 3022 of 1992(R)

Appellant : Mukh Ram Sharma

Respondent : Project and Development India Ltd. and anr.

Judgement :

1. Heard counsel for the petitioner and the respondents.
2. This writ petition has been filed making a grievance of non-payment of gratuity, travelling allowance and other post retirement benefits. When the matter was taken up on 18.3.1993, counsel for the petitioner stated that the dues other than gratuity and travelling allowance had been cleared. In view of the stand of the respondents that the out standing dues could not be cleared as the petitioner did not vacate the quarters for about 9 years even after his retirement, a Bench of this Court directed the petitioner to vacate the premises on or before 31.3.1993 with a further direction that in that event the respondent No. 1 shall clear all outstanding dues.

3. A supplementary affidavit was filed on behalf of the petitioner stating that in terms of the said order the petitioner vacated the quarters on 30.3.1993. The respondents have filed an affidavit today stating that as against the claim of Rs. 32,289.23 p. as gratuity, the petitioner owes a sum of Rs. 41,557.00 on account of house rent and electric charges in respect of the said quarters for the intervening period upto 29.3.1993, The necessary details have been mentioned in Annexure-H to the affidavit. In other words, it is stated, as against the claim of the petitioner for payment of Rs. 32,289.23 p. on account of gratuity, the respondents are entitled not only to adjust the said amount but also, in addition, recover a sum of rupees 9 thousand and odd from the petitioner. Regarding the claim for travelling allowance it is stated that the same is admissible only when after retirement, the person concerned undertakes journey back to his home and submit vouchers. Since the petitioner never vacated the quarters and returned home, he is not entitled to the travelling allowance.

4. We are of the opinion that after superannuation from service, the petitioner had no legal right to continue in the quarters and, therefore, he is liable to pay rent including penal rent as per rules and other charges mentioned in Annexure-H to the tune of Rs. 41,557.00. However, he has now vacated the quarters. Considering the fact that he retired from service about 9 years ago, it would be just, proper and equitable to discharge his liability by directing the amount of Rs. 32,289.23 p., which he is entitled to get as gratuity, to be adjusted against the dues of the respondents in full and final settlement. In other words, the petitioner will not be entitled to any payment on account of gratuity and the respondents will also not be entitled to recover the balance amount of about Rs. 9 thousand and odd from the petitioner.

5. Before we part with this order, we

may mention that the proceedings in appeal preferred by the petitioner against order of his eviction passed by the competent authority under the Public Premises (Eviction of Unauthorised Occupants) Act,

1971, shall stand terminated by reason of

our order.

6. This writ petition is disposed of in terms of the observations and directions mentioned above.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com