

Chief Post Master, Kanpur Vs. Mohammad Salim and Another

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Court : Allahabad

Decided On : Aug-25-1999

Reported in : 1999(4)AWC3362; (1999)3UPLBEC2085

Judge : M. Katju and ;D.R. Chaudhary, JJ.

Acts : [Constitution of India](#) - Article 226

Appeal No. : C.M.W.P. No. 36373 of 1999

Appellant : Chief Post Master, Kanpur

Respondent : Mohammad Salim and Another

Advocate for Def. : S.C.

Advocate for Pet/Ap. : Satish Chaturvedi, Addl. S.C. Government of India.

Judgement :

M. Katju, J.

1. This writ petition has been filed against the impugned order of the Central Administrative Tribunal dated 6.5.1999 copy of which is Annexure-4 to the petition.
2. The respondent No. 1 retired as postman on 19.5.1995 but he continued occupying the official accommodation in his possession and hence the rent of Rs. 900 was ordered to be recovered from his pension for the house rent with interest.

The respondent No. 1 filed a petition before the Central Administrative Tribunal which allowed this petition by the impugned order and held that the recovery of house rent cannot be made from the respondent's pension but it can be made by other means.

3. On the facts and circumstances of the case, we are not inclined to exercise our discretion under Article 226 of the Constitution by interfering with the impugned order. However, we are informed that the respondent No. 1 is still occupying the official accommodation even four and a half years after his retirement. This is indeed shocking. We are of the opinion that the respondent No. 1 must vacate the official accommodation in his possession immediately. This tendency of Government servants or employees of public sector undertakings of continuing to occupy the official accommodation even after retirement or transfer has become wide spread and must now be stopped. It has to be realised when a person retires or is transferred, he should vacate the official accommodation in his possession within a reasonable period otherwise his successor will have no place to live in. There are cases coming up before this Court where a Government employee continued to retain the official accommodation even several years after his retirement or transfer. This practice has to be deprecated and must be stopped now.

4. Hence on the facts and circumstances of the case while we do not exercise our discretion under Article 226 of the Constitution against the impugned order, we direct the respondent No. 1 to vacate the official accommodation in his possession forthwith. We further issue a general mandamus directing the employees of the Central and State Governments to vacate the official accommodation in their possession on their transfer or retirement within the period prescribed by the Rules, or if there are no such Rules then within three months of the date of retirement or transfer, failing which they will be evicted by police force.

5. With these observations the petition is disposed of finally.

6. Let the Registrar of this Court send a copy of this judgment to the Central and State Government through the Secretary of the Departments concerned so that this judgment is strictly complied with in future and this practice of retaining official

accommodation even after transfer /retirement is stopped.

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