

Mukund Kumar Vs. Sail and ors.

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Court : Jharkhand

Decided On : Feb-05-2003

Reported in : [2003(2)JCR549(Jhr)]

Judge : S.J. Mukhopadhaya, J.

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

Appeal No. : WP (C) No. 3005 of 2002

Appellant : Mukund Kumar

Respondent : Sail and ors.

Advocate for Def. : M.M. Banerjee and; Rajiv Ranjan, Adv.

Advocate for Pet/Ap. : B.P. Pandey, Sr. Adv. and; Sahdana Kumar, Adv.

Disposition : Petition dismissed

Judgement :

S.J. Mukhopadhaya, J.

1. The writ petition was preferred by petitioner, Mukund Kumar for issuance of a writ in the nature of certiorari or any other appropriate writ, rule, direction for quashing the letter dated 6th February, 2002 issued by the Senior Executive (Administration) whereby and whereunder the claim of petitioner for change of

opinion for the quarters applied on 23rd January, 2001 has been rejected on the ground that the application along with demand draft was received on 28th January, 2002 at 3,00 P.M., beyond the period of filing.

The petitioner has made further prayer to quash the order of allotment of Qrts. No. C-115 (GF/900 Sq. Ft.) made in favour of respondent No. 6, Nilesh Sinha.

2. The respondent took plea that date of filing of application was extended to 28th January, 2002 and 1.00 P.M. was the time fixed, but it was submitted by the petitioner beyond the period.

Counsel for the respondent also submitted that the petitioner had not made the subsequent application for change of quarters in proper format, which was filed on 28th January, 2002.

3. The petitioner has refuted the aforesaid allegation made by the respondents and taken plea that the application for change of quarters was filed well within time on 28th January, 2002. In fact, no time limit was fixed, such as 1.00 P.M.

4. This Court by its order dated 16th January, 2003 allowed time to the respondents to bring the circular on record by which the time for filing application was extended. In the counter affidavit, the respondents have enclosed a copy of subsequent circular dated 25th January, 2002 wherein 1.00 P.M. of 28th January, 2002 was shown as extension of time for submission of application form.

5. Counsel for the petitioner submitted that the so-called circular dated 25th January, 2002 has been subsequently created to defeat the case of petitioner. In this background, Mr. M.M. Banerjee, the counsel for the respondents was asked to produce the original file (s) relating to allotment of quarters.

6. From the relevant, file relating to allotment of quarters, it appears that initially 23rd January, 2002 was the last date fixed to submit application form. The petitioner submitted duly filled up format on 23rd January, 2002 enclosing a bank draft for allotment of Qrts. No. C-114, categories/type C/900 Sf. The said application form being in time, the authorities have allotted Qrts. No. C-114 in favour of petitioner. The 6th respondent in proper format on 28th January, 2002 for

allotment of Qrts. No. C-115, a quarters of category C/900 Sf. His application being well within time, he has been allotted qrts No. C-115.

So far as application of petitioner for change of option from Qrts. No. C-114 to Qrts. No 115 is concerned, it is not in proper format but mere a representation submitted on 28th January, 2002 with a request to the Chief Personnel Manager. RDCIS, SAIL Ranchi to allow him to change the option.

So far as the question whether 1.00 P.M. was fixed as the time to receive the applications and whether it was received by 1.00 p.m. or 3.00 p.m., it is a disputed question of fact and cannot be decided in this case. In this background, no relief can be granted.

7. The writ petition is, accordingly, dismissed.

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