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SLP(C)No. 18192 OF 1999
ITEM No.201

Court No. 9

SECTION XI
A/N MATTER

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No.18192/1999

(From the judgement and order dated 18/08/1999 in CMWP 10415/99
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

CHANDRA PRAKASH JAIN

Petitioner (s)

VERSUS

PRINCIPAL/D.I.G., P.T.C.II, MORADABAD & ANR

Respondent (s)

(For Final Disposal)

Date : 07/12/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.P. MOHAPATRA
HON'BLE MR. JUSTICE P. VENKATARAMA REDDI

For Petitioner (s) Petitioner-in-person

For Respondent (s) Mr. Anoop G. Chowdhary, Sr.Adv.
 Mr. Mukesh Verma, Adv.
 Ms. Neeta Sinha, Adv.
 Mr. R.C. Verma, Adv.

UPON hearing counsel the Court made the following
O R D E R

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.SP2

Leave granted.
The appeal is disposed of in terms of the signed
order. No costs.

.SP1

(Neena Verma)
Court Master

(S. Malkani)
Court Master

Signed order is placed on the file.

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2001@@
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(@ Special Leave Petition (C) No.18192/1999)

Chandra Prakash Jain Appellant

Versus

Principal/DIG, Police Training
College-II, Moradabad & Anr. Respondents

O R D E R@@
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.SP2

Leave granted.

We have heard Shri Chandra Prakash Jain, the appellant, who is appearing in the case in person and Shri Anoop G. Chowdhary, learned senior counsel appearing for the respondents.

The controversy raised before us relates to the demand of penal rent from the appellant and its adjustment from his retiral dues. Though the petitioner retired from service on 01.11.1990, he vacated the government quarter, which he was occupying when he was in service, on 27.02.1997. Thus, he remained in unauthorised occupation of the quarter for more than six years. The question for consideration is what is the rent which he is liable to pay ...2/-

: 2 :

for such unauthorised occupation of the quarter? Certain Rules, Circulars and Executive instructions have been placed before us by the appellant and also learned senior counsel for the respondents. We are satisfied that the deduction of the sum of Rs.2,07,979/-, the retiral benefits of the appellant, is erroneous. The calculation is based on a Circular which is not applicable in the case.

Considering the facts and circumstances of the case, we are of the view that the appellant is liable to pay three times the standard rent of the residential quarter in his occupation during the period of overstay beyond four months from the date of retirement. The standard rent will be calculated taking into account the last basic pay drawn by the appellant before retirement. This exercise will be completed within three months from today and the surplus amount, if any, deducted from the retiral benefits of the appellant, will be paid to him together with interest @ 12% P.A. from the date of deduction till payment.

The judgment of the High Court under challenge is modified to the extent noted above. The appeal is disposed of. No costs.

.SP1

.....J.
(D.P. MOHAPATRA)

New Delhi,
December 07, 2001.

.....J.
(P. VENKATARAMA REDDI)