

Banerjee further submits that there is no connection is releasing the revised pension with vacating the govt. quarter after retirement.

Mr. De representing the Department submits that as per rule, no employee is allowed to continue to occupy govt. quarter after retirement and the applicant on several occasions has been issued notices to vacate his quarter but has failed to vacate the same. Mr. De also submits that not only the applicant but some other unauthorised occupants of the colony have been directed to vacate the quarters.

After hearing the submissions from both the sides and perusing the records, it appears that the state respondents have refused to sanction the revised pension of the applicant on the ground that he is yet to vacate the govt. quarter. It is observed that the release of the applicant's revised pension has been linked to vacating the govt. quarter. It is also noted that the state respondents have not replied and intimated the applicant regarding his prayer for purchase of the govt. quarter. In the opinion of this Court, if such policy exists and decision of the respondent is not to sell the govt. quarter to the applicant, then they should intimate the applicant and dispose of this issue.

The matter is thus disposed of by directing the respondent No. 3 to intimate the employee in writing and after giving an opportunity of personal hearing regarding respondent's decision on the issue of selling of the govt. quarter. The respondents should also process and sanction his revised pension

and other pensionary benefits without linking to his vacating the govt. quarter. On the applicant's side, the applicant is directed to vacate the quarter if the respondent intimates its refusal to sell the quarter within the stipulated time as informed by the respondent.

Accordingly, OA is disposed of.

SAYEED AHMED BABA
MEMBER (A)

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