

Court No. - 33

Case :- WRIT - A No. - 17704 of 2023

Petitioner :- Ajab Singh

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Sanjay Singh

Counsel for Respondent :- C.S.C.

Hon'ble J.J. Munir,J.

Heard learned Counsel for the petitioner at length and Mr. A. B. Sinha, learned Standing Counsel appearing on behalf of respondent nos. 1, 2 and 3.

The petitioner was allotted House No. B-45 (Ground Floor) Alok Nagar, NTPC, Diviyapur, District Auraiya where he is employed as an Assistant. By the orders impugned dated 18.03.2023, 05.04.2023, 27.06.2023 and 04.07.2023 passed by the Executive Engineer, Irrigation Division, Auraiya, he has been directed to vacate the residential accommodation on ground that he is not eligible for the same. The accommodation in his possession and earlier allotted to him is meant for an employee of the cadre of Junior Engineer whereas the petitioner is an Assistant, a ministerial hand. The petitioner has refused to vacate the accommodation and by the impugned orders, disciplinary action has been proposed to be taken if he does not vacate the accommodation.

Before this Court learned Counsel for the petitioner argued that the petitioner has been lawfully allotted the accommodation by a Competent Authority and if the respondents think that the petitioner is ineligible and cannot continue in occupation of the official accommodation, they would have to evict him by taking recourse to the provisions of the U.P. Public Premises (Eviction of Unauthorized Occupants) Act, 1971.

It is true that so far as forcible eviction of the petitioner is concerned, the respondents may have to take recourse to the provisions of the Act last mentioned or such other remedies, that the law provides, including approaching the Court of competent Civil Jurisdiction. But, the fact that the petitioner is unauthorizedly occupying official quarters allotted to him, which he is no longer held entitled to retain certainly amounts to misconduct.

This Court in the exercise of our writ jurisdiction do not find

any good ground, particularly, on equity, which appears in the circumstances, to interfere with the impugned orders.

This petition fails and is **dismissed**. There shall be no order as to costs.

Order Date :- 18.10.2023

Vijay