

Court No. - 34

Case :- WRIT - A No. - 18384 of 2023

Petitioner :- Gyanendra Kumar Tiwari

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Upendra Kumar Singh, Raksha Chauhan

Counsel for Respondent :- C.S.C.

Hon'ble Ajit Kumar, J.

Heard learned counsel for the parties and perused the record.

Petitioner seeks quashing of the notice dated 4th October, 2023 to vacate the official accommodation in his occupation in the Police lines, Prayagraj.

Admittedly, petitioner has been transferred to Lucknow in the year 2018 and, therefore I see no justification for the petitioner to hold the official accommodation at Prayagraj.

Learned counsel for the petitioner submits that he may be permitted to retain accommodation for certain more periods.

Per contra, the stand taken by learned Standing Counsel is that once the petitioner had been transferred to Lucknow in the year 2018 there was no justification to hold back the official accommodation at Prayagraj.

In the circumstances, petitioner may be liable to pay penalty, however, since only notice has been issued to the petitioner and he is to submit reply, it is hereby provided that in the event petitioner furnishes application along with an affidavit to the effect that petitioner shall be vacating the official premises within a period of 30 days from today, his application shall be sympathetically considered to provide one month's time to vacate the premises in question and no penalty may be imposed for the period he has retained official accommodation.

Appropriate decision shall be taken by the authority concerned competent in the matter within two weeks from the date of presentation of application of the petitioner.

With the aforesaid observations and directions, this petition stands disposed.

Order Date :- 2.11.2023

Atmesh