

Court No. - 9

Case :- WRIT - A No. - 7669 of 2023

Petitioner :- Virendra Kumar Yadav Pno. No. 112055602

Respondent :- State Of U.P. Thru. Addl.Chief Secy. Deptt. Of Home And 2 Others

Counsel for Petitioner :- M.P. Raju

Counsel for Respondent :- C.S.C.

Hon'ble Rajan Roy,J.

Heard.

The petitioner who was posted in the G.R.P. was transferred from G.R.P., Lucknow to Civil Police, Lucknow vide order dated 07.12.2021. As per rules, he could retain the government accommodation bearing no. P-17(G) allotted to him for a period of one month but he overstayed. He made a request for being allowed to retain the accommodation till 30.08.2022 which was permitted but he again overstayed beyond 30.08.2022. A reminder was sent to him on 04.07.2023 for vacating the premises but till the date of passing of the impugned order, he did not do so.

On being asked, learned Counsel for the petitioner submitted that till date he has not vacated the aforesaid premises. In these circumstances, vide order dated 03.08.2023, petitioner has been asked to pay penal rent amount of Rs. 42,056/- based on the provisions contained in various circulars, Government Order's and rules of the Financial Handbook. On being asked to show any error in the impugned order with regard to the provisions referred, none could be pointed out. It was however submitted that the opposite parties were under an obligation to allot Government accommodation on his posting in the Civil Police and unless this was done, he was not under any obligation to vacate the accommodation granted to him on account of his earlier posting in the G.R.P. at Lucknow. In this regard, he has placed reliance on Paragraph 1 of the Circular dated 21.11.2016 issued by the Police Headquarters, U.P., Lucknow. However, learned Standing Counsel submitted that Paragraph 1 relates to houses in the Pool which were allotted to employees posted in the G.R.P., E.O.W., A.C.O., C.B.C.I.D. etc. which is not the case here. There is no pleading in the petition that the house which was allotted to the petitioner was a house of the Pool. The submission is that the house allotted to the petitioner was specifically for the G.R.P. personnel and not of the Pool,

therefore, the said circular does not help him. Learned Standing Counsel relies upon Paragraph 6 of the said circular which deals with consequences of overstaying in a Government accommodation.

The petitioner is still in possession of the Government accommodation no. P-17(G) and it is a Type-I house allotted by G.R.P., Lucknow. The Court asked the petitioner's Counsel to show the order by which the said house was allotted but the same is not available on record. However, learned Counsel for the petitioner fairly submitted that the allotment was made by the officers of G.R.P. The petitioner's Counsel was further asked to show the application by which the petitioner had sought permission to stay till 30.08.2022 but the same is also not on record. The petitioner himself having sought permission to stay in the accommodation only till 30.08.2022, overstayed, and now, he is raising various pleas which is not permissible for him to do so. In the absence of any pleading or evidence on record to show that the house allotted to him was a house in the Pool referable to Paragraph 1 of the Circular dated 21.11.2016, there is nothing this Court can do, as, no error, factual or legal, has been pointed out by the petitioner's Counsel in the impugned order.

In view of the above, this petition lacks merit and is accordingly **dismissed.**

This order shall not come in the way of allotment of Government accommodation to the petitioner either from the Pool or from any other source by the Government of the Police Department, as the case may be. In fact, the same should be considered as per rules, at the earliest.

Order Date :- 4.12.2023

Lokesh Kumar