

Court No. - 20

Case :- WRIT - A No. - 8011 of 2023

Petitioner :- Sunil Kumar Singh

Respondent :- State Of U.P. Thru. Prin. Secy. Home Civil
Sectt. Lko And 4 Others

Counsel for Petitioner :- Shrikant Mishra, Praveen Kumar
Singh

Counsel for Respondent :- C.S.C.

Hon'ble Manish Mathur, J.

1. Heard learned counsel for petitioner and learned State Counsel for opposite parties.

2. Petition has been filed challenging order dated 14.12.2019 whereby recovery has been initiated against petitioner for over-stay in the Government accommodation provided to him.

3. It has been submitted that in 2018, petitioner was transferred from Lucknow to District Sant Kabir Nagar where he joined but was compelled to retain the Government accommodation provided to him in Lucknow owing to adverse medical condition of his wife and continuous education of his children. It is submitted that it was only in September, 2022 that the aforesaid order was implemented for the first time initiating the recovery of Rs. 10,000/- per month. It is submitted that the opposite parties have not considered the aspect that even otherwise petitioner was entitled to Government accommodation at the transferred place which was not provided to him and therefore he was entitled to retain the Government accommodation at Lucknow and for which purpose penal rent was not required to be recovered from him.

4. It has been submitted that against the impugned order, petitioner has already submitted representation dated 04.07.2023. At present, learned counsel for petitioner restricts his prayer for final decision with regard to same.

5. Considering the innocuous prayer and without entering into merits of the case, liberty is granted to petitioner to file a fresh representation before the opposite party no. 2 i.e. The Director General of Police, Lucknow, Uttar Pradesh within a period of one week from today. In case, such a representation is filed within the aforesaid time period, the same shall be decided within a period of six weeks from the date a copy of this order

along with fresh representation is produced before the said authority. Till decision on the representation, no recovery shall be effected from petitioner.

6. With aforesaid observations and directions, the petition is finally **disposed of**.

Order Date :- 27.10.2023

Satish