

Court No. - 6

Case :- WRIT - A No. - 12232 of 2024

Petitioner :- Sumant Singh Chauhan

Respondent :- State Of U.P. Thru. Addl. Chief Secy./Prin. Secy. Medical Health And Family Welfare And Another

Counsel for Petitioner :- Anand Mani Tripathi

Counsel for Respondent :- C.S.C.

Hon'ble Alok Mathur,J.

1. Heard Sri Anand Mani Tripathi, learned counsel for the petitioner as well as learned Standing Counsel for the respondents.

2. It has been submitted by learned counsel for the petitioner that petitioner was working on the post of Medical Officer at Community Health Center, Tulsipur, when his services were transferred to Community Health Center, Sriduttganj, Balrampur by order dated 02.09.2024. Despite transfer of the petitioner to Community Health Center, Sriduttganj and petitioner having joined at the the transferred place of posting, he is continuing to reside in the official accommodation allotted to him at Tulsipur. By means of order dated 18-19.10.2024, the Chief Medical Officer, Balrampur has directed the petitioner to vacate the said residence which was allotted to him at Tulsipur and also levelled allegations that petitioner is staying at Tulsipur during night hours and interfering in the work at Tulsipur.

3. It is next submitted by learned counsel for the petitioner that he has not been allotted any Government accommodation in Sriduttganj and therefore he should be permitted to reside at Tulsipur till Government accommodation is allotted to him at his transferred place of posting.

4. Learned Standing Counsel has opposed the writ petition. He has submitted that once a Government servant is transferred then he has to vacate the Government accommodation within one month, failing which market rent shall be realised for the extended period of stay in the said accommodation. In case appropriate orders are passed by the competent authority permitting a Government servant to stay for certain extended period, only then he can continue to occupy official accommodation on payment of rent on market rate as applicable.

5. After arguing the matter up to some length, it is submitted by learned counsel for the petitioner that grievance of petitioner shall be substantially redressed in case petitioner is granted liberty to move representation before the Chief Medical Officer, Balrampur - Respondent no. 2 in this regard, and respondent no. 2 may be directed to proceed to consider and decide his representation expeditiously.

6. Learned Standing Counsel has no objection to the above limited prayer made by learned counsel for the petitioner.

7. Accordingly, present writ petition is **disposed of** with liberty to the petitioner to move appropriate representation/application within next one week for retention of Government accommodation before respondent no. 2 - Chief Medical Officer, Balrampur, who is directed to proceed to consider and decide the same expeditiously, say within one week thereafter, in accordance with law and communicate the decision to the petitioner.

8. Till decision is taken on the application/representation of the petitioner, he shall not be forced to vacate the official accommodation at Tulsipur.

Order Date :- 18.12.2024

A. Verma

(Alok Mathur, J.)