

IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

LPA No. 523 of 2026
Decided on : 14.09.2026

Narinder Kumar

...Appellant

Versus

State of Himachal Pradesh and another

...Respondents

Coram

The Hon'ble Mr. Justice G.S. Sandhawalia, Chief Justice.
The Hon'ble Mr. Justice Bipin C. Negi, Judge.

Whether approved for reporting?¹

For the appellant : Mr. Sarthak Mehta, Advocate.

For the respondents : Mr. Rakesh Dhaulta, Additional
Advocate General.

G.S. Sandhawalia, Chief Justice (Oral)

The present Letters Patent Appeal is directed against the judgment passed in **Civil Writ Petition No. 9187 of 2023**, titled **Dr. Narender Kumar Bhardwaj Vs. State of Himachal Pradesh and others**, dated 29.07.2026, which was dismissed by the learned Single Judge.

2. Learned Single Judge while dismissing the writ petition, had imposed costs of Rs.50,000/-, which had to be deposited by the present appellant, with the Chief Justice Disaster Relief Fund, 2025, within four weeks and also directed an action to be initiated against the erring Officers/Officials, who colluded with the present appellant, allowing him to retain the

¹ Whether reporters of the local papers may be allowed to see the judgment?

accommodation. The matter was listed for 14.09.2026 (today), for necessary compliance.

3. The occupation of the government accommodation, which was an earmarked accommodation for the Medical Officer, for over a decade, was apparently not justified and, therefore, the learned Single Judge ordered the enquiry to be initiated, by coming to the conclusion that the Department was hand in glove with the petitioner/appellant, otherwise it would not have been possible for him to have had retained the accommodation.

4. It was also noticed that after his transfer from Hamirpur, he was posted in Regional Hospital, Bilaspur and thereafter, in the Directorate of Health Services, Shimla, H.P and he had applied for and was also allotted a government accommodation and thus, he was in unauthorized possession of an earmarked accommodation at Hamirpur and the Department had obliged him.

5. The findings were thus recorded that in the peculiar facts of the case, the conduct of the petitioner did not behove of a Government servant and that too, a Senior Government Officer, holding a responsible post in the Himachal Pradesh Health Services and this conduct of the petitioner had taken away the right of allotment to other persons, who were legally entitled to the said accommodation. Resultantly, no interference was made

in the damage charges which had been assessed to the tune of Rs.12,90,959/-, as per letter dated 05.10.2023 (Annexure P-19), for the period from November, 2017 to July, 2023.

6. Counsel for the appellant has argued that since the wife of the appellant is also in government service in the Education Department, therefore, he had fallen back on the out of turn allotment clause of the Himachal Pradesh Allotment of Government Residence (General Pool) Rules, 1994 (in short '1994 Rules'), to contend that the learned Single Judge could have quashed the order of recovery of the amount assessed and also could not have directed an order to enquiry.

7. During the course of the arguments, it transpired that the appellant still continues to be in occupation of the government accommodation, though he has already superannuated and reached the age of 60 years.

8. Thus, it is a case of absolute overreach by a government employee, who continues to retain a government accommodation, which was an earmarked residence for the Doctor, as per the 1994 Rules, applicable as per the letter of allotment dated 29.07.2016 (Annexure P-1).

9. The argument has been raised that his case was under consideration, since on his transfer in September, 2017 to the Chief Medical Officer's Office, Shimla, he had submitted an

application to retain the government accommodation and the same was under process at various stages.

10. It is important to notice that from the stand of the respondents as such, it is clear that it was a designated allotment, which would be clear from the communication dated 12.10.2022 (Annexure P-16), addressed by the Chief Medical Officer, Hamipur, H.P., to the Director Health Services, Himachal Pradesh, Shimla, showing that the wife of the appellant was working as a Principal in the Education Department and residing in the accommodation allotted to the appellant, in the Residential Doctor Colony, Set No. 9, Regional Hospital, Hamirpur. Apparently, the appellant was relieved way back on 07.08.2017 and his wife continued to occupy the said premises.

11. It is also to be noticed that the argument which was raised that the appellant was entitled to accommodation on out of turn basis, was an argument of desperation, the writ petition having been filed in the year 2023, only when the penal rent as such, was assessed and the letters were served upon him.

12. Apparently, when the writ petition was filed, for the first time, the appellant had sought examination of his case under Rule 8(3) of the 1994 Rules for 'out of turn' allotment having never followed it up from the year 2017, when he had been posted out. Merely because, at some stage, his case was being

processed, could not entitle him to retain the government accommodation. It was also a matter of fact that when he got posted in Shimla, initially he had again requested for grant of extension on account of the fact that his wife was occupying the government accommodation and he had not been allotted any accommodation at Shimla, which would be clear from letter dated 26.03.2018 (Annexure R-5).

13. A perusal of communication dated 17.01.2022 (Annexure R-14) would go on to show that however on 01.01.2022, the House Allotment Committee had allotted him accommodation at SIHFW, Parimahal, Shimla. Thus, the family was occupying two government accommodations and one of them was not even serving in the same Department.

14. In such circumstances, the learned Single Judge had rightly dismissed the writ petition and directed that the matter be looked into, because apparently, there had been collusion as such and at what level, a government employee was permitted to retain the accommodation for almost a decade at the cost of other entitled employees.

15. It had also been noticed that the accommodation has its own peculiarity, because of the location, so that Doctors are in a position to attend to the patients immediately and this facility had been taken away from the several persons over a decade,

who were entitled to be allotted the said accommodation, on account of the adamant attitude of the appellant.

16. Resultantly, we find no ground to interfere with the well reasoned order passed by the learned Single Judge, who directed that the matter should be looked into and also imposed the costs of Rs.50,000/- on the present appellant.

17. Accordingly, we dismiss the present appeal. Since, we are not issuing notice to the respondents, we are not imposing further cost. However, the present appellant is directed to vacate the premises in question and submit a necessary compliance report before the learned Single Judge, where the matter is listed, failing which, appropriate action should be taken against him and directions would be issued by the learned Single Judge. The State shall also ensure that the needful is done at the earliest.

18. Pending miscellaneous application(s), if any, also stands disposed of accordingly.

(G.S. Sandhawalia)
Chief Justice

(Bipin C. Negi)
Judge

September 14, 2026
(Shivank Thakur)