

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

Civil Writ Petition No.11421 of 2013

Date of decision: 26.11.2015

Chaman Lal

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.S.S.Rana, Advocate,
for the petitioner.

Mr.Vaibhav Sharma, DAG, Punjab.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J. (Oral)

1. The challenge in this petition is to the order dated 1.6.2011 [P-4] for recovery of penal house rent from the petitioner for unauthorized occupation of government accommodation in Hoshiarpur. The petitioner retired from service on August 31, 2005. The correspondence between the petitioner and the officers of the Department which has been placed on record by the respondent-State as enclosures in its reply at R-1/1 to R-1/9 [in translation] clearly suggests that the petitioner admitted that he was in occupation of Government accommodation at least 2 years prior to January 12, 1999 [R-1/8-T]. The petitioner could not rebut the assertion of the

respondents that he was actually in possession of Government accommodation since May, 1996 which appears to match the admission in the letter R-1/8 written by the petitioner. Therefore, there is found nothing wrong with the impugned award when it calls upon the petitioner to pay penal house rent for the period of stay without sanction. The relevant period is from 1996 to 2001. This Court finds no infirmity in the impugned order warranting interference.

2. So far as Annexures P-5 and P-6 representing the amount of ₹ 2400/- x 2 = ₹ 4800/-, are concerned the petitioner may represent to the Government to adjust the aforesaid amount from the penal rent and in this behalf a speaking order would be passed as to whether the amount is required to be refunded or absorbed in the principal amount.

3. If the petitioner complains that he was not heard before the impugned order was passed, then he labours under a mistaken belief that he was wronged on this front since all that is required to satisfy the principles of natural justice is to offer hearing to person likely to be affected by the decision contemplated. Hearing was offered to the petitioner on September 6, 2000 and it matters little whether that opportunity was availed or not, so long as the right was not denied at the crucial pre-decisional stage.

4. The petition is without substance and is accordingly dismissed with the limited liberty granted as above.

(RAJIV NARAIN RAINA)
JUDGE

November 26, 2015

Paritosh Kumar