

**233 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No. 11184 of 2014(O&M)

Date of decision : 01.05.2015

Dr.Mohinder Singh

..... Petitioner

versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Sandeep Kotla, Advocate for the petitioner.
Mr.Mr.Ashok Singh Chaudhary, Addl.AG, Haryana.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

By this writ petition the petitioner has challenged the imposition of penal rent.

The admitted facts are that the petitioner was transferred from District Jail, Narnaul to the CHC, Assandh on 31.05.2012. He was not being relieved by the Superintendent, District Jail, Narnaul. It is admitted that he unilaterally relinquished his charge and proceeded to join his transferred post at CHC, Assandh on 18.07.2012. At that time it is stated that he handed over the keys of the residential premises allotted to him to some colleague and thereafter because of the mala fide reasons the Superintendent, District Jail, Narnaul did not take the keys from that colleague/friend and wrongly showed the house to be in

the possession of the petitioner. As per the report he wrote several letters to the Superintendent Jail to take the keys from his friend but no action was taken by the Superintendent. There is one letter written from the said friend to the petitioner as per which the said friend also informed the petitioner that the authorities are insisting that the keys would be accepted only from the allottee and not from a third person. Ultimately the house was officially got vacated only on 30.07.2013 and it was in these circumstances that penal rent was imposed upon the petitioner.

The sole argument raised by learned counsel for the petitioner is that once the petitioner had offered to the respondents to take the possession of the premises, penal rent could not be charged from him since as far as he was concerned, the premises was lying unoccupied. In response the respondents have taken exception to the action of the petitioner in first unilaterally relinquishing charge and thereby in not handing over the possession of the house to the authorised representative as per rules. As per the written statement the house was ultimately had to be broken into by breaking open the lock by constituting a committee by the Deputy Commissioner on 3.8.2013 when all the pleas to the petitioner to hand over the premises did not elicit any response.

In my opinion the writ petition must fail. If it was the case of the petitioner that the Superintendent Jail had some animus against him he should have written such letter to the higher authority but no such letter is on the record. Rather, even after he was informed by his

so called colleague that he should personally hand over the keys he still did not do so.

No fault can be found in the action of the respondents.

Petition is dismissed.

(AJAY TEWARI)
JUDGE

May 06, 2015
sunita