

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P No. 15243 of 2015 (O&M)
Date of decision : July 29, 2015

Badal Singh,

..... Petitioner

v.

State of Haryana and others,

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. SK Malik, Advocate
for the petitioner.

- 1. Whether Reporters of Local Newspapers 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 order Annexure P-5, vide which recovery of wrongly paid house rent allowance and some fine for theft of some material in the custody of the petitioner was imposed upon him. He had earlier challenged the same by way of CWP No.10970 of 2015, which was disposed of with a direction to respondent No.2 to consider his representation and pass a speaking order, and consequently, the impugned order has been passed.

The petitioner was working as a tubewell operator and the recovery made was on account of the fact that he had been staying in the government accommodation since 1.1.2008 and had also been drawing

house rent allowance. The case of the petitioner was that the government accommodation was never allotted to him and he never stayed there till April 2014.

The respondents have relied upon two documents. The first is a voter list of the year 2012 wherein the petitioner has been shown to be the resident of the said government accommodation. The second is an application made by the petitioner to the Sub Divisional Engineer, Public Health Engineering Sub Division, Panchkula wherein he has himself written that he wanted electricity connection in the said government accommodation, since he had been staying there w.e.f 1.1.2008.

In view of these facts, the bald assertion that the petitioner was never allotted the said house or he shifted there only in April 2014 cannot be accepted. The argument that the petitioner is a Class IV employee and, therefore, recovery cannot be made from him is also completely flawed because the present is a case where the petitioner was bound to inform the office that he was not entitled to the house rent allowance since he was staying in the government accommodation but he omitted to do so. As regards the recovery which is of ₹ 6,000/- for theft of electricity cable, the impugned order records that since the petitioner was Chowkidar-cum-Tubewell Operator and the theft occurred during his charge, an explanation had earlier been called from him and it was only after considering that explanation that the order was passed. In these circumstances, I find no merit in this writ petition and the same is dismissed.

(AJAY TEWARI)
JUDGE

July 29, 2015
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