

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P No. 15252 of 2015 (O&M)

Date of decision : July 29, 2015

Sushil Kumar Gupta,

..... Petitioner

v.

HVPNL and others,

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Munish Kumar Garg, 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 recovery order (Annexure P-3) passed against him.

The undisputed facts are that pursuant to the application made by the petitioner for allotment of government accommodation, quarter No.404 at ground floor was allotted to him, vide O/O No.4/HAC, dated 5.8.2008. Apparently, that house was in a state which the petitioner did not find acceptable. As per his own representation, he kept approaching the respondents for getting necessary repairs effected in the house but ultimately, he did not occupy the said premises. As per the impugned order, a complaint was received to the respondents to the effect that many

employees who had got allotted government accommodation had not occupied the same and were claiming house rent allowance and it was in response to that complaint that this exercise was carried out. Ultimately, the respondents held that the petitioner was liable to refund the house rent allowance for the period during which the house remained allotted to him after he accepted the same.

Counsel for the petitioner has relied upon the instructions, Annexure P-1, to contend that in such a situation, the petitioner was liable to pay only licence fee. Relevant clause (ii) thereof is quoted below :-

“(ii) An employee, who, after accepting the allotment, fails to take possession of that accommodation within ten days of receipt of the allotment order, shall be charged a license fee from such date for the period of one month or till the date on which the new allottee takes possession of the said accommodation whichever is earlier.”

In my opinion, this argument cannot be accepted. Entitlement of house rent allowance flows from different Rules and the pre-requisite for claiming house rent allowance is that a government employee should not have been allotted any government accommodation by the employer. Instructions, Annexure P-1, operate in an entirely different field and do not have any bearing on the entitlement of house rent allowance. Once it is admitted that the petitioner had accepted the allotment and rather as per his own showing he kept approaching the respondents for effecting necessary repairs but had never requested for cancellation of the accommodation it would dis-entitle him from claiming house rent allowance.

In these circumstances, it has to be held that the house rent allowance for the period in question was wrongly claimed by the petitioner.

Resultantly, no fault can be found with the impugned order. Consequently,

this writ petition is dismissed being devoid of any merit.

July 29, 2015

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**(AJAY TEWARI)
JUDGE**