

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11100 of 2013

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Rajeshwar Kumar Singh Son Of Late Sheo Balak Singh Resident Of Village -
Bhadwar, P.O. Bhadwar, P.S. Chandi, District - Bhojpur

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Commissioner-Cum-Secretary, Department Of Home Police, Government Of Bihar, Patna
3. The Director General Of Police, Bihar, Patna
4. The Director General Of Police, B.M.P., Bihar, Computer Bhawan, Baily Road, Patna
5. The Additional Director General Of Police, B.M.P., Bihar, Computer Bhawan, Baily Road, Patna
6. D.I.G., B.M.P., Northern Range, Muzaffarpur
7. Commandant, B.M.P. -8, Begusarai

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. L.N. Das, Adv.

For the Respondent/s : Mr. Sajid Salim Khan, SC-25
Mr. Prakritita Sharma, AC to SC-25

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 05-09-2016

Heard learned counsel for the petitioner and counsel for the State.

Learned counsel for the petitioner submits that he has remained in occupation of one room of the club house from 1996 to 2002 over and above he was given the house rent allowance.

It is not the first time that the petitioner has moved before this Court but, he has approached this Court on different occasions. The matter was remanded back for fresh consideration vide order dated 2.4.2009 (Annexure-6) passed in CWJC No. 7232 of

2005. The matter was adjudicated and directed to file representation, which will be disposed of by reasoned order. The representation of the petitioner was disposed of.

As per claim of the petitioner, he was only given one room in the club, there he was living alone, adjusted his wife and children in another accommodation, so much so, all through, he was given the house rent allowance, after retirement, money which was paid as a house rent has been deducted illegally.

Learned counsel for the State has come out with a fact that though he was allotted one room but, entire club house was under his possession which consists of bathroom, kitchen, Varandah occupied, utilized and lived in the entire space of government club for himself. It will be relevant to quote paragraph no.5(ii) of the counter affidavit which reads as follows:-

"5(ii) Petitioner while posting at Begusarai occupied the entire Government club accommodation of BMP.-8, which has all the facilities of a residential quarter including Latrine, Bathroom, Kitchen etc. He utilized and lived in the entire Government club for himself. He has admitted this fact and also took house rent allowance in an illegal manner."

The petitioner cannot take the house as well as the house rent allowance. When he was given accommodation and utilized the entire block of the club house, it does not stand to the

reason that he was keeping his family in another place. It is disputed question of fact as to whether he was keeping his wife in the same house or whether keeping his wife in another accommodation but, the fact remains that he remained all through in the club house, kept the entire portion of the club house in his possession, he cannot be given the benefit of house rent which amounts to giving double benefit which is not permissible in law.

This Court does not find any error in the impugned order. This writ application is, accordingly, dismissed.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.9.2016
Transmission Date	NA