

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2488 of 2016

Lalit Kumar Dubey S/o Late R. L. Dubey, Aged About 56 Years R/o Village Kutru, Post Bhairamgarh, Ranger In Forest Department, District Bijapur, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Of Department Of Forest, Mantralaya, New Raipur, P.S. Rakhi, District Raipur, (Chhattisgarh)
2. The Sub Divisional Officer (R), Kondagaon, Post Kondagaon, District Kondagaon, (Chhattisgarh)
3. Divisional Forest Officer, Kondagaon, Post Kondagaon, District Kondagaon, (Chhattisgarh)
4. Divisional Forest Officer , Bijapur, Post Bijapur, District Bijapur, (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri P.K. Tulsyan, Advocate
For Respondent	:	Shri S.P. Kale, Dy.A.G.

S.B.:Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

14/07/2016

Heard on admission.

1. The petitioner has filed this petition assailing correctness and validity of order dated 5.2.2016 by which an order of eviction has been passed by the Sub Divisional Officer in exercise of powers under Section 4 of Chhattisgarh Lok Parisar Bedakhli Adhiniyam, 1974.
2. Learned counsel for the petitioner submits that in peculiar circumstances, the petitioner has filed this petition without availing alternative remedy. According to the petitioner, he has been posted as Range Officer in a hard and naxalite

affected region of District- Bijapur. He has not been allotted any official quarter. There are no private houses available. For these reasons, he could not vacate the quarter which was earlier allotted to him at Kondagoan, because his family is residing there and he is unable to make any arrangement for their alternative accommodation. It is also submitted that as a special drive for those officers who have been posted in hard stations, the State Govt. has provided in its circular dated 3.6.2015 in Clause 3.2 that in such cases, the Govt. Servants would be entitled to house rent allowance at the rate applicable at Raipur. It is submitted that even this rate is not being provided to the petitioner.

3. On the other hand, learned counsel for the State opposes the prayer and submits that the petitioner, without availing alternative remedy, has rushed to file this petition. He submits that as per rules, once the Govt. servant has been transferred, he cannot retain quarter which was allotted to him only on personal ground or difficulty. It is next submitted that Clause 3.2 of the circular may not be applicable to him and it will require due consideration by a competent authority.
4. The petitioner has been transferred to a hard station. It is stated that the petitioner's family is residing at Kondagaon, retaining the Govt. quarter which was allotted to him and in respect of which eviction order has been passed.
5. Though this Court would not comment upon merits of the case of eviction and the petitioner may take recourse to his remedy of appeal against order of eviction, nevertheless, petitioner's claim for higher rate of house rent allowance shall be considered by respondent No.1. The decision shall be taken within a period of 45 days from the date of receipt of copy of this order.
6. The petition is accordingly finally disposed off.
7. This order shall not come in the way of petitioner taking appropriate remedy of appeal against the order of eviction and if the petitioner files an appeal within a period of 15 days from today, the appeal shall be decided on its own merits and in accordance with law without any objection to limitation.

Sd/-
(Manindra Mohan Shrivastava)
Judge