

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

**CWP No.3923 of 2015
Date of Decision:16.09.2016**

Ram Kishan ... Petitioner

Vs.

State of Haryana and others ... Respondents

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Mr. Naresh Kumar, Advocate for
Mr. R.D. Yadav, Advocate for the petitioner.

Mr. Keshav Gupta, A.A.G. Haryana.

P.B. BAJANTHRI J.

In the instant petition, the petitioner has sought for quashing the order dated 24.02.2015 (Annexure P-6) passed by the fourth respondent whereby recovery of Rs.5,91,902/- was ordered from the petitioner as a penal rent at 300 times for the period from 10.06.2014 to 7.12.2014 on account of overstay by the petitioner in the family quarter.

The respondents have acted on instructions issued by the Finance Department relating to imposing of penal rent at 300 times in the absence of statutory rules. However, the statutory Rule 5.23 of Punjab Civil Services Rules provides that penal rent can be calculated and imposed at 50 times, therefore, order dated 24.02.2015 (Annexure P-6) asking the petitioner to deposit Rs.5,91,902/- as a penal rent at 300 times for the period from 10.06.2014 to 07.12.2014 would be contrary to cited Rule. Hence, order dated 24.02.2015 (Annexure P-6) is set aside. The respondents are directed to pass orders in accordance with Rule 5.23 of the Punjab Civil Services Rules within a period of two months from today.

Disposed of accordingly.

16.09.2016
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**