

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

CWP No. 4264 of 2015

Date of Decision: 26.09.2016

VINOD KUMAR BHANDARI

... *Petitioner*

VS.

STATE OF HARYANA AND OTHERS.

..Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. J.S. Rozera, Advocate,
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana

Mr. Aayush Arora, Advocate,
for respondents No. 2 to 5.

KULDIP SINGH, J. (Oral)

By way of this writ petition filed under Articles 226/227 of the Constitution of India, the petitioner seeks issuance of writ of mandamus to the respondents for releasing the amount of ₹ 2,13,466/- being the House Rent Allowance (HRA) and further to refund of ₹ 94,571/- alongwith interest @ 18% per annum.

During the course of hearing, it comes out that the arrears of HRA for the period 22.02.2005 to 21.04.2010 have been paid to the petitioner and no arrears of HRA for the period 22.04.2010 to 30.09.2011 have been paid on account of the fact that the petitioner was allotted official accommodation but he did not occupy the same.

The respondent have placed on file the allotment order dated 21.04.2010 (*Annexure R-5*) and the letter of the petitioner dated 24.04.2010 (*Annexure R-3*) in which he had refused to accept the allotment of house. In the

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said letter he had prayed that since, he is senior, therefore, the residence No. 7 vacated by the E.R. Dahuja may be allotted to him. Further, the letter dated 14.12.2009 (*Annexure R-4*) shows that the petitioner has intimated that he is not interested for higher status accommodation of Executive Engineer, residence No. 4, which is under construction.

The learned counsel for the petitioner has argued that he was granted permission to stay outside w.e.f. 22.05.2005 to 24.01.2010 and for the said period HRA has been released to him. However, the fact remains that he was allotted the government accommodation but he had refused to occupy the house allotted to him. Therefore, he is not entitled for HRA for the period w.e.f. 22.04.2010 to 30.09.2010 and the respondent-department has rightly recovered an amount of Rs. 94,571/- on account of HRA for the said period from the petitioner.

In view of the above, the present petition stand dismissed.

September 26, 2016

Suresh Kumar

**[KULDIP SINGH]
JUDGE**

Whether speaking / reasoned

✓
Yes / No

Whether Reportable

✓
Yes / No