

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP No. 13362 of 2015
Date of decision: 17.01.2017

Subhash Chander

..Petitioner

Vs.

State of Punjab & Ors.

..Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Mohit Garg, Advocate for the petitioner.

Mr. Nikhil Chopra, DAG, Punjab.

Mr. R. Kartikeya, Advocate for respondent No. 2.

KULDIP SINGH, J.(ORAL)

Petitioner was working as Junior Technician with respondent-department. In the year 2011, a family dispute arose between the petitioner and his brother as a result of which petitioner had to vacate the house in which he was staying. The petitioner had moved an application dated 19.04.2011(Annexure P-1) praying for allotment of one House No. 18A situated at Ranbir Club Sangrur which was lying vacant. The same was allotted to him. Later on he handed over the vacant possession to the respondent-departmental authorities. Because of ongoing dispute between the petitioner and his brother his brother filed a complaint before Human Rights Commission that the petitioner in connivance with respondent-departmental authorities had taken the possession of the said house whereas same was allotted to one Subhash Kumar working as Junior Engineer Human Rights Commission got conducted an inquiry and forwarded the same to the department vide order Annexure P-9. It is stated that thereafter,

Annexure P-10 has been passed whereby the petitioner had been asked to deposit the amount of recovery along with interest within 7 days in the Office of District Treasury Officer, Sangrur failing which departmental action shall be initiated against him. It is stated that the petitioner had earlier retired from service. It comes out that the Deputy Commissioner Sangrur vide letter Annexure P-11 dated 17.09.2014 addressed to respondent No. 4, observed that financial loss of approximately ₹ 5 lacs for unauthorised possession of Government House No. 18A situated at Ranbir Club Sangrur for period 06.05.2011 to 16.08.2012 (rental market rate/maintenance etc.) was caused because of violation of rules and requested respondent No. 4 to take necessary action against the petitioner as per the rules.

I am of the view that a dispute is regarding the fact that whether the house was actually allotted to the petitioner by the Deputy Commissioner or not and whether the department is entitled to recover rent at market rate. Therefore, it is desirable that the department itself should look into the matter and decide whether any valid allotment was made to the petitioner and if not, whether any market rent is to be recovered from the petitioner, if so, then what is the market rate and what arrears are to be recovered from the petitioner after deducting the payment already received from the petitioner as deducted from his salary. The impugned order Annexure P-10 is accordingly set aside.

The department is directed to pass the fresh speaking orders after hearing the petitioner and giving him opportunity to produce all the documents which are in his possession.

Necessary order be passed within a period of 3 months from the

date of receipt of the certified copy of the judgment.

Petition stands disposed of with liberty to petitioner to again approach this Court if an adverse order is passed.

January 17, 2017
Poonam (II)

(KULDIP SINGH)
JUDGE

Whether speaking/ reasoned:	Yes
Whether Reportable:	No