

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

CWP No.23068 of 2013 (O&M)

Date of Decision:05.09.2017

Ravinder Kumar

... Petitioner

Vs.

Chairman B.B.M.B. and others

... Respondents

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

Present : Petitioner in person.

Mr. Ajay Pal Singh, Advocate for the respondents.

P.B. BAJANTHRI J. (Oral)

In the instant petition, petitioner has challenge the validity of order dated 19.8.2013 (Annexure P-6) which is stated to be a speaking order.

The petitioner is stated to have been transferred from Ganguwal to Nangal on 7.8.2007. His service were relieved from Ganguwal on 20.8.2008. However, he has retained the residential quarters allotted to him till 31.12.2010 in the absence of any order of retention beyond four months which is permissible under the Policy. Thus, the petitioner is liable to pay penal rent beyond four months. The respondents were unnecessary making correspondence with the petitioner in respect of furnishing details of penal rent alongwith notice. Merely the petitioner has been asked to vacate the quarter, failing which petitioner would be liable for penal rent of Rs.3000/- per month. Even to this day, petitioner has not been issued show cause notice alongwith calculation to what extent the petitioner is liable for penal rent. Therefore, order dated 19.8.2013 (Annexure P-6) is hereby set aside. Reserving liberty to the respondents to initiate fresh proceedings to the extent of issuance of notice to the petitioner with calculation of penal rent

for which period he is liable to pay penal rent. After receipt of the petitioner's reply to the show cause notice, respondent can proceed to pass final order of imposing the penal rent on the petitioner. If the respondents issued a show cause notice alongwith calculation of penal rent, petitioner is permitted to submit his detail reply within a period of four weeks from the date of receipt of the show cause notice.

With the above observation, civil writ petition stands allowed in part.

05.09.2017
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**