

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

CWP No. 21180 of 2017 (O&M)
Date of decision : October 30, 2017

Dr. Rekha Singh

..... Petitioner

v.

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Vivek K Thakur, Advocate
for the petitioner.

Mr. Anil Mehta, DAG Haryana

Ajay Tewari, J (Oral)

By this writ petition, the petitioner has challenged the order dated 1.8.2017 (Annexure P-12) by which the order dated 29.12.2014 (Annexure P-11) has been substituted.

The dispute relates to the non vacation of a government accommodation by the petitioner. By the order (Annexure P-11), respondent No.1 who is the competent authority had waived the penal rent for retention of the house by the petitioner. However, by the order, Annexure P-12, the order Annexure P-11 was substituted and the petitioner was held liable to pay the penal rent.

At this stage, I do not deem it appropriate to go into the merits of the case because, admittedly, no notice was ever served upon the petitioner before substituting the order, Annexure P-11 by order Annexure

P-12. Learned DAG Haryana is not in a position to deny that as a result of the order, Annexure P-12, civil consequences have arisen in so much as the petitioner has been held liable to pay the penal rent. To my mind, the order Annexure P-12 could not have been passed without issuing any notice to the petitioner. In the circumstances, this writ petition is allowed and the order, Annexure P-12, is set aside, with a liberty to respondent No.1 to pass a fresh order after serving a notice upon the petitioner.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

October 30, 2017
'kk'

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No