

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

CWP No. 6961 of 2015 (O&M)
Date of decision : October 04, 2017

Navdeep Singh

..... Petitioner

v.

Union Territory, Chandigarh and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. RS Budhwar, Advocate
for the petitioner.

Mr. Suman Jain, Advocate
for the respondents.

Ajay Tewari, J (Oral)

The petitioner is working as Agricultural Development Officer in the State of Punjab and was allotted Officers Apartment No.1203, Sector 24 Chandigarh. By way of this writ petition, he has challenged the orders dated 26.11.2014 (Annexure P-1) and dated 6.1.2015 (Annexure P-5) cancelling his allotment of the aforesaid apartment and imposing penal rent of ₹15014/- per month w.e.f 5.10.2011. When this writ petition came up for motion hearing on 10.4.2015, the following order was passed :-

“ Contends that the petitioner was allotted House No.1203, Sector 24, Chandigarh and the petitioner is continuously occupying the said house. Without any prior intimation to the petitioner or the parent department i.e Punjab Agriculture Department, the petitioner has been informed that he has been allotted alternate house in

Sector 41, which is not so. On the one hand, the petitioner is being asked to vacate the house occupied by him in Sector 24, whereas, on the other, no alternate accommodation in Sector 41 is being provided.

Notice of motion for 14.05.2015.

Meanwhile, dispossession of the petitioner is stayed.”

In the written statement, it has been brought out that the petitioner had obtained the interim order by stating false facts. It was mentioned that on 26.2.2010 a notice (Annexure R-1) was issued to all the occupants of Officers Apartments Nos.1201 to 1248 to the effect that these apartments were to be handed over to the CITCO, and requesting all of them to apply for alternative accommodation so that the same could be allotted to them. Pursuant to that the petitioner applied for alternative accommodation by application dated 16.3.2010 (Annexure R-2) in which he indicated his preference for allotment of a house in Sectors 7 or 22. On that application, house No.10/3717, Sector 22, Chandigarh was allotted to him by letter dated 9.8.2010 (Annexure R-3). He did not take possession thereof as he was not satisfied with that house and moved another application on 31.1.2011 (Annexure R-4). On that application, yet another house No.IV/1050-B, Sector 41 Chandigarh was allotted by allotment letter dated 7.9.2011 (Annexure R-5). As per the written statement, the petitioner did not occupy the said house also and continued to retain the Officers Apartment illegally and it was only on 1.10.2014 when the CITCO authorities informed the respondents about this fact that the respondents came to know about this illegal retention. It was thereafter that the notice dated 26.11.2014, Annexure P-1, was issued and he was informed that his allotment was cancelled w.e.f 5.10.2011 i.e within 28 days of the allotment of the house in Sector 41, Chandigarh. Proceedings under the Public

Premises Act were also initiated against the petitioner, vide notice (Annexure P-2). The petitioner appeared before the Estate Officer under the Public Premises Act wherein again he took the false plea that he had never been informed about the cancellation of his apartment, had never been given a chance to apply for an alternative accommodation and rather feigned surprise that a house had been allotted to him in Sector 41, Chandigarh without his ever applying for the same. It was during this time that the order of imposition of penal rent @ ₹ 15040/- per month, Annexure P-5, was passed on 6.1.2015 at which stage the petitioner filed the present writ petition.

Counsel for the petitioner has stated that the petitioner is in occupation of the apartment in question even today under the interim order of this Court.

The above chronology of facts betrays the blatant disregard for law and truth which the petitioner holds. He is a responsible class-I Gazetted Officer and at every stage he has resorted to base falsehoods to somehow or the other retain possession of the Officers Apartment No.1203, Sector 24 Chandigarh. This trend of sticking to a government accommodation like a limpet is increasing day by day. Even the Supreme Court has had occasion time and again to deprecate this tendency of people to treat government property as their own property. Reference in this regard is made to Lok Prahari v. State of U.P and others, 2016(3) RCR Civil 850 and S.D Bandi v. Divisional Traffic Officer, KSRTC & Ors 2011(5) SCC 746. The facts of the present case, as brought out above, do not justify any order in favour of the petitioner. Consequently, this writ petition is dismissed. A copy of this order be sent to the Appointing Authority of the

petitioner for whatever action which may be considered appropriate.

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

October 04, 2017
'kk'

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No