

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.20314 of 2018
Date of Decision:21.08.2018

Satwant Singh

. Petitioner

Vs.

State of Punjab and others

. Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.H.S. Saini, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J.

The petitioner has challenged the order dated 03.08.2018 passed by respondent No.2 by which allotment of Government quarter No.1 (Old No.7) to him has been cancelled with immediate effect and he has been directed to handover the vacant possession within a period of one week further directed to recover four times license fee from him with effect from 1.8.2017.

In brief, the petitioner has been occupying Government quarter No.1 (Old No.7), Kheti Bhawan Complex, Islamabad, Hoshiarpur [for short 'the demised premises']. He has been transferred as Agricultural Sub Inspector in the office of Block Mahilpur, Hosiarpur on 26.5.2017. On 21.11.2017, respondent No.2 asked the petitioner to vacate the Government accommodation to which he made a representation on 28.11.2017. The petitioner has now been asked to vacate the demised premises vide impugned order dated 03.08.2018 in which it has been observed that although after his transfer, he has joined at Mahilpur on 30.5.2017 and the

allotment of demised premises was cancelled on 31.10.2017 but he was allowed to retain the same till the end of the academic session of his children. It was also observed that the employee can stay in the Government house, allotted to him, only for two months upon his transfer but extension was granted to him so that his children may complete their studies subject to payment of 4 times rent of the normal rent. The petitioner was found residing in the demised premises in violation of the Rules and on payment of the nominal rent therefore, action has been initiated against him by cancelling the allotment of the demised premises and recovery of 4 times license fee.

Learned counsel for the petitioner has submitted that the petitioner has though been transferred to Mahilpur but he has been assigned temporary duty for two days in a week in the office of the Agricultural Development Officer (Enforcement), Head Quarter at Hoshiarpur. He has thus prayed that he may be allowed to continue his stay in the demised premises.

I have heard learned counsel for the petitioner and perused the record with his able assistance.

There is no dispute that the petitioner was transferred on 26.5.2017 and can retain the Government accommodation for two months upon his transfer but the competent authority was magnanimous in allowing him to continue till the end of the academic session of the studies of his children. However, the petitioner did not vacate the house even thereafter. In the absence of any provision in the Punjab Government Houses (General Pool), Allotment Rules, 1983, there was no reason for the competent authority to allow the petitioner to continue his stay in the demised premises

upon his transfer. Therefore, the impugned order has rightly been passed in which no error has been found by this Court for the purpose of interference. The writ petition is thus dismissed though without any order as to costs.

21.08.2018
Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking /reasoned

:

Yes/No

Whether Reportable

:

Yes/No