

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

CWP-853-2014 (O&M)

Date of Decision: 19.09.2018.

Kamalpreet Kaur

... Petitioner

Versus

Punjabi University and others

... Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. H.C. Arora, Advocate,
for the petitioner.

Mr. Vishal Khatri, Advocate for
Mr. Vijay K. Jindal, Advocate,
for the respondents.

JITENDRA CHAUHAN.J.(ORAL)

In the present civil writ petition filed under Article 226 of the Constitution of India, the grievance of the petitioner is in respect of the penal rent to the tune of Rs.3,03,467/- charged vide Annexure P-6 by making equated deductions on account of unauthorized occupation of the house allotted to her late father.

It has been contended that the petitioner was appointed on compassionate basis after the death of her father working as Superintendent in the Punjabi University, Patiala. It has been further contended that admittedly 10 other similarly situated employees were not only exempted from charging any penal interest but allowed to retain the accommodation dehors their entitlement on their compassionate appointment, however, the petitioner is the single case where not only similar treatment of retention of the previous

accommodation has been denied, penal interest has been charged. It is submitted that the previous accommodation has since been vacated, however, the prayer in the nature of mercy petition is for waiving off the penal interest on the ground of discrimination.

On the other hand, it has been contended that the alleged similarly situated employees were occupying the accommodation only one step above their entitlement however, the petitioner had been occupying the accommodation which was three steps above her entitlement. From time to time, two different houses were reserved and offered to the petitioner. However, the petitioner herself deliberately delayed the vacation of the house and thereby blocked three houses which were above her entitlement. The petitioner was given warnings from time to time however, she did not care for the same. The petitioner was supposed to vacate the house on or before 17.12.2008. The petitioner failed to do so. Vide letter dated 24.07.2009 the petitioner was communicated that on account of unauthorized occupation of the house, ten times rent will be charged from 18.12.2018 to 17.01.2009 and twenty times rent will be charged from 18.01.2009 till the vacation of the accommodation.

Heard.

It is to be noticed that the petitioner was required to vacate the accommodation under her occupation on 17.12.2008 but she continued to retain the same. Vide office order dated 24.07.2009, she

was communicated that penal interest will be charged from her however, she kept on putting in. Not only that, two more houses were offered and kept reserved for her but she did not accept the offer. She remained in an accommodation which was three steps above her entitlement. As the petitioner has enjoyed the occupation of the premises despite of her being not entitled to, therefore, she is liable to make the payment as well.

In view of above, the present civil writ petition is dismissed.

19.09.2018.
SN

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No