

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

CWP-99-2015 (O & M)

Date of decision: 14.03.2019

Mangat Ram

.... Petitioner

V/s

State of Punjab and ors.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Sameer Sachdeva, Advocate, for the petitioner.

Mr. P.S. Bajwa, Addl.A.G., Punjab.

Rajan Gupta, J. (Oral)

Petitioner has impugned order, Annexure P-6. Operative part thereof reads as under:-

“2. After considering your application by the Administration, it is hereby rejected. You are hereby directed to immediately vacate the House No.3138-B, Sector 39-D, Chandigarh. In case you failed to vacate the Govt. house, then as per the rules double rent as per the market rate shall be recovered.””

It has been urged before the court that since the petitioner was posted as a PSO with the sitting MLA at the relevant time, he was entitled to retain government accommodation. Thus, the order, Annexure P-6 and consequential order Annexure R-1/T passed by the authorities are unsustainable.

Admittedly, petitioner has been allotted alternative government accommodation by now and is residing in the same. Thus, the order Annexure P-6 loses its significance. However, order, Annexure R-1/T

passed by the concerned authorities seeks to levy the recovery of Rs.1,80,870/- from the petitioner on account of unauthorized occupation. A perusal thereof shows that the authorities have not assigned any reason for coming to the conclusion that the petitioner was residing in unauthorized accommodation from August 17, 2014 to August 12, 2015.

The order, Annexure P-6, being cryptic is hereby set aside and the matter is remitted to the same authority for passing a speaking order after examining the fresh representation, if any, submitted by the petitioner within three months.

Allowed in these terms.

A copy of the order be handed over to learned counsel for the State under the signatures of Bench Secretary.

March 14, 2019
sukhpreet

(RAJAN GUPTA)
JUDGE

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