

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

**CWP No.9124 of 2016
Date of Decision:16.10.2019**

Beena Aggarwal

...Petitioner

Versus

The Secretary, House Allotment Committee, Chandigarh and others

...Respondents

CORAM: HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Ms.Radhika Suri, Senior Advocate with
Mr.Manpreet Singh Kanda, Advocate
for the petitioner

Mr.Kapil Kakkar, Advocate
for respondents No.1 and 2

Mr.G.S.Nagra, Advocate
for respondent No.3

RAJIV NARAIN RAINA, J. (ORAL):

1. Heard for final disposal.
2. The facts of this case need to be counter balanced equally amongst the petitioner and the respondents. The respondents without doubt are liable for the acts of their agents even for their mistakes in discharge of their official duties. If the mistake was committed by the agents of the U.T. Administration, contrary to the rule, then the petitioner should not be severely penalised to the full extent of penalty for over stay in Government accommodation. The petitioner on her part based her case on an allotment letter dated 16.09.2011 (Annex P2), in which it is stated that according to Government Residences (Chandigarh Administration Pool), Allotment Rules, 1996, the family of the deceased is entitled to retain the government

house for a period of one year but in the fill in the blanks penned by the officials of the Department of Finance and Accounts (Rents), Chandigarh Administration, the dates of permission to stay are hand written from “19.04.2011 to 18.04.2014” i.e. beyond two years of the entitlement. The dispute has arisen on account of the death of Varinder Kumar Aggarwal- husband of the petitioner, who was an employee of Punjab Government on deputation to the U.T. Administration, and was allotted the government house from Punjab pool while admittedly the family owns a residential house within the Tricity. The petitioner was appointed on compassionate grounds in the parent State of her husband who was on deputation to the U.T. Administration. Initially, the petitioner was called upon to pay the licence fee for the government accommodation House No.2071, Sector 27, Chandigarh, in a sum of Rs. 16,272/- which is the calculation for three years without explicitly saying so. The receipt is at Annex P2. This was followed by the allotment letter Annex P3.

3. The question to be resolved is whether the respondent administration should be pinned down to a mistake committed in the allotment letter (Annex P3) or the petitioner is required to pay only the licence fee for the period of over-stay or pay the normal rent for the permissible period and thereafter penal rent till vacation of the premises. In order to counter balance the rights and liabilities of the parties, it is deemed fit and just that the demanded payment of Rs. 1,75,761/- should be divided in two equal parts. The burden of Rs.1,75,761/- thus should fall in moieties on both the parties. Meaning thereby, the petitioner would pay half the amount assessed in the impugned recovery order while the administration would bear the other half, which comes to Rs.87,880.50/- each. It is so

ordered.

4. While making this direction, it is ordered that it should not be treated as precedent. Liberty is granted to the U.T. Administration to recover its half share from the erring official/s who committed the mistake in the allotment letter dated 16.09.2011.

5. The petitioner will deposit half the amount of Rs. 1,75,761/- i.e.Rs.87,880.50/- with the Chandigarh administration within one month from the date of receipt of a certified copy of this order.

6. The petition stands disposed of in the above terms.

16.10.2019

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**(RAJIV NARAIN RAINA)
JUDGE**

Whether speaking/reasoned
Whether reportable-

Yes/No.
Yes/No