

CWP No.8631 of 2020 (O&M)

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

CWP No.8631 of 2020 (O&M)

Date of Decision: 26.06.2020

Smt. Shyama

...Petitioner

Versus

Union of India and others

....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. Sanjiv Gupta, Advocate, for the petitioner.
Ms. Gurmeet Kaur Gill, Sr. Panel Counsel for Union of India.

RAMENDRA JAIN, J. (ORAL)

The case has been taken up for hearing through video conferencing.

Through this Civil Writ Petition under Articles 226/227 of the Constitution of India prayer has been made for issuance of writ, order or direction in the nature of *certiorari* for quashing order dated 16.01.2020 (Annexure P-10) and legal notice dated 17.06.2020 (Annexure P-11), whereby petitioner has been asked to vacate Quarter No.887, Sector 47-A, Chandigarh, forthwith.

Learned counsel *inter alia* contends that petitioner was compulsorily retired vide order dated 25.05.2019 w.e.f. 08.11.2017 in view of her conviction in a criminal case under Section 306 IPC. Petitioner preferred an appeal (Annexure P-6), but the same was not decided within a reasonable time. Thus, petitioner approached this Court by way of CWP No.2943 of 2020, which was disposed of on 03.03.2020 with direction to the respondents to decide her appeal preferably within a period of three months. But on account of extraordinary circumstances due to Covid-19

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pandemic, as per counsel for the respondents, the same could not be decided.

During the course of arguments, learned counsel, on instruction from the petitioner, has undertaken to vacate the official accommodation by the petitioner within two months from today positively, inasmuch as due to Covid-19 pandemic, she could not arrange any suitable private accommodation to shift and vacate the official accommodation.

Learned counsel for the respondents contends that appropriate remedy with the petitioner is to approach the District Judge against order (Annexure P-10) and not the present writ petition.

Having given thoughtful consideration to the rival submissions, this petition is dismissed. However, petitioner is permitted to retain the official residence for two months from today till 25.08.2020, on or before which date she shall vacate the same positively without making any excuse. Petitioner shall be bound by her aforesaid undertaking and would also file an affidavit to this effect within a week before Respondent No.2. The petitioner shall be liable to pay rent/use and occupation charges as per prescribed rates. In case, the petitioner does not file requisite affidavit referred to above, within stipulated time, the respondents shall have liberty to get the official accommodation vacated from the petitioner, ignoring this order.

June 26, 2020
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No