

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 26504 of 2019

Date of Decision: 19.06.2020

Surinder Kumar Thind

... Petitioner(s)

Versus

Panjab University, Chandigarh and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal

Present: Mr. Raj Kumar Bhatia, Advocate
for the petitioner(s).

Mr. Subhash Ahuja, Advocate
for the respondents.

Anil Kshetarpal, J.

This writ petition under Articles 226/227 of the Constitution of India has been filed by the writ petitioner with following substantive prayer:

- “i) Issue of an appropriate writ, order or direction especially in the nature of certiorari for quashing of impugned office order no. 5130 dated 11.09.2019 (Annexure P4) passed by the respondents vide which the petitioner is directed to vacate the House No. D-20, Sector 14 (in University Campus), Chandigarh within a week failing which the eviction proceedings will be initiated without any reason and without giving any opportunity against the principle of natural justice;*
- ii) Issue a writ in the nature of mandamus directing to respondents to grant the permission a period of accommodation provided by the University upto 29.02.2020 as*

prayed by the petitioner in his representation dated 02.09.2019 (Annexure P3), since retiral benefits of the petitioner as well as the salary of the petitioner from the month of March, 2019 to August, 2018 with all consequential benefits of retirement including pension, gratuity, leave encashment and payment of furlough leave along with other benefits of the petitioners not released till today which was wrongly withheld by the University and the same being wrong, illegal, unjust and arbitrary.”

The writ petitioner, on attaining the age of superannuation, retired from service of the Panjab University on 31.08.2018. The writ petitioner makes a grievance that his retiral dues have not been released and therefore, he cannot be directed to hand over the vacant possession of the accommodation given to him while in service. On the other hand, the respondents have taken a stand that the writ petitioner himself is guilty as he has not submitted “No Dues Certificates” from the Estate Cell and the Rent Recovery Cell. It has further been pointed out that the total retiral dues to which the writ petitioner is entitled come to ₹ 21,97,012/-, whereas his liabilities including various orders of attachment passed by the Executing Courts come to ₹ 39,36,980/-. A reference has been made to various orders passed by the Courts in execution petitions attaching the amount payable to the writ petitioner.

This Court has heard learned counsel for the parties and with their able assistance, gone through the paper-book.

It is not disputed that the writ petitioner was entitled to retain

accommodation for a period of three months after his retirement. Thereafter,

he continues to occupy the accommodation without any right. An employer provides accommodation so as to make it convenient for its employees to work. An employee cannot claim any right in the official accommodation particularly when he is no more in service. The writ petitioner retired on 31.08.2018. Almost a period of 22 months has elapsed. As regards, the grievance of the writ petitioner with regard to non-release of retiral dues, the respondent-University has filed a detailed reply along with the orders of the Courts, which *prima facie* established that the liabilities of the writ petitioner are more than what he is entitled to. However, this Court is not going into the aforesaid aspect, particularly when the present writ petition is not for determining the amount payable to the writ petitioner.

Learned counsel for the writ petitioner has failed to draw attention of the Court to any Rule or Instructions entitling a retired employee to withhold the delivery of possession of the official accommodation in the absence of settlement of the retiral dues.

Hence, finding no merit, the writ petition is dismissed.

(Anil Kshetarpal)
Judge

June 19, 2020
“DK”

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