

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (SERVICE) NO. 2175 OF 2021**

- Dharam Lal Yadav, 52 years, S/o Late Shri Bahadur Lal Yadav, Address: presently posted as Sub Inspector/Ministerial, CISF, RTC Utai, Bhilai, District Durg (CG), Permanent R/o Villag- Rikotar, Post- Bhatgaon, District Balodabazar-Bhatapara (CG)

... Petitioner**versus**

1. Union of India, through the Secretary of Home Affairs, North Block, Central Secretariat, New Delhi, 110001.
2. Directorate General, Central Industrial Security Force, Ministry of Home Affairs, Block-13, CGO Complex, Lodhi Road, New Delhi, 110003.
3. Inspector General, Central Sector, Head Quarter- Bhilai, Utai, District Durg (CG)
4. 3rd Commandants, RB, Utai, Bhilai, District Durg (CG)
5. Deputy Inspector General, Central Industrial Security Force, RTC, Utai, Bhilai, District Durg (CG)

... Respondents

For Petitioner	:	Mr. Pallav Mishra, Advocate.
For Respondents	:	Mr. Rama Kant Mishra, A.S.G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****11/06/2021**

1. Grievance of Petitioner in the present Writ Petition seems to be the imposition of penal rent by Respondents for retention of the official quarter allotted to him at Bhilai, District Durg.
2. Petitioner was working under Respondent-Department as Sub Inspector and was posted at Bhilai, District Durg. Subsequently, he got transferred from Bhilai to Behror, Rajasthan with effect from 16.1.2015. Upon being transferred, he had made a request to the Department for retention of the said official quarter at Bhilai so that his family could continue at the said place in view of the treatment that his mother was undergoing for her heart ailment and also in order to ensure that his children who were undertaking the studies could continue with their studies at Bhilai.

3. Respondent-Department is said to have granted permission to Petitioner to retain the said quarter up till 31.3.2017 that is for a period of more than 2 years from the date he got transferred from Bhilai to Behror. Even thereafter it appears that the Petitioner was still keen to retain the quarter for the same aforesaid reasons, which however the Department has refused and his request has been turned down. However, in spite of his request having been turned down, the Petitioner continued to retain the said quarter and the Department has now therefore initiated steps for recovering penal rent for the period that the Petitioner has retained the accommodation beyond the period from 31.3.2017 onwards.
4. The said order of turning down the request of Petitioner for further extension of retaining the quarter was not questioned or challenged before any Authority or Court of Law. In view of this, beyond the period from 31.3.2017 the Petitioner was occupying the aforesaid quarter/accommodation without any valid sanction or approval from the Department. It also needs to be highlighted that the Department had at the first instance permitted the Petitioner to retain the quarter for more than 2 years' time *i.e.* till 31.3.2017.
5. Challenge now is that the penal rent which has been sought for by the Department at the rate of Rs.15,000/- per month is firstly highly excessive and secondly it has been fixed arbitrarily without following the procedure of law.
6. This Court at the outset is of the opinion that the Petitioner has not made out a strong case calling for interference by this Court in exercise of its Writ jurisdiction. Undisputedly, from January, 2015 the Petitioner stood transferred from Bhilai to Behror. Under the usual mode, a person who is transferred is permitted to retain the quarter for a further period of 30 or 60 days as the Rule says and, in case, if it is required, the family members are permitted to retain the government quarter at the request of employee for some specific reasons, for some specific period.

7. In the instant case, the Petitioner was permitted to retain the quarter for a period of more than 2 years *i.e.* till 31.3.2017. Thereafter, the Petitioner was well aware of the fact that he has not got further extension of retaining the quarter. His request for extension stood turned down by the Department, which further should have been taken note of by the Petitioner and he should have made an alternative arrangement. In spite of this, the Petitioner knowing all the aforesaid facts retained the said accommodation. The consequences under the Quarter Allotment rules would automatically apply and which would be for charging of penal rent for the said period.
8. Under the circumstances, if the Department has initiated steps for recovering of the penal rent the same cannot be said to be in any manner arbitrary or vindictive, particularly taking note of the gesture which was shown by the Department by permitting the Petitioner to retain the quarter for a period of more than 2 years after his transfer.
9. Thus, for all the aforesaid reasons, the present Writ Petition being devoid of merits deserves to be and is accordingly dismissed.

Sd/-
(P. Sam Koshy)
JUDGE