

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 4542 of 2021

1. S.S. Azade S/o Shankar Rao Azade, Aged About 60 Years R/o. Central Industrial Security Force, Unit Admin, Bhilai Steel Plant, Bhilai, District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Petitioner

Versus

1. Union Of India, Through - The Secretary, Ministry Of Home Affairs, 13-Cgos Complex, Lodhi Road, New Delhi., District : New Delhi, Delhi
2. Senior Commandant, Central Industrial Security Force, Unit Admin, Bhilai Steel Plant, Bhilai, District Durg Chhattisgarh., District : Durg, Chhattisgarh
3. Assistant Commandant, Central Industrial Security Force, Unit Admin, Bhilai Steel Plant, Bhilai, District Durg Chhattisgarh., District : Durg, Chhattisgarh

---Respondents

For Petitioners	:	Shri P. Chetan Kumar, Advocate.
For Union of India	:	Shri Amit Banerjee, Adv., on behalf of Shri Ramakant Mishra, Asstt.S.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

06.09.2021

1. The grievances of the petitioner in the present writ petition is the imposition of heavy penal rent on the government accommodation that his family is retaining at his previous place of posting.
2. According to the counsel for the petitioner, the petitioner who is a constable under the respondents and was working at R.C.F. Bombay Unit prior to March 2019. Vide order dated 30.03.2019, the petitioner was transferred from R.C.F. Bombay Unit to CISF Bhilai Unit at Bhilai Steel Plant. The petitioner immediately complied with the order of transfer and joined his services at Bhilai.

3. According to the counsel for the petitioner, upon being transferred to Bhilai in March 2019, the petitioner had taken permission from the Higher Authorities in the department permitting him to retain the government accommodation at Mumbai so that the children could pursue education for ongoing academic session. This request was accepted by the department and permission to retain the government accommodation was granted till 31.03.2020.
4. The further contention of the counsel for the petitioner is that by the time i.e. on 31.03.2020, the petitioner was to vacate the quarter, there was a nationwide lock-down already imposed. That the area where the petitioner's family was occupying the government accommodation was badly affected because of the Covid-19 pandemic. It was not practically feasible for the petitioner; firstly to get an alternative accommodation, and secondly to shift the entire family during the period of pandemic from one place to another. It was also not practically feasible for the petitioner to shift his family because of the effect of pandemic, even to Bhilai where his present place of posting is. The petitioner's family is still retaining the government accommodation. It is now that the respondents have issued a letter demanding penal rent for occupying the said quarter from 01.06.2020 onwards till date.
5. Counsel for the petitioner submits that as far as the petitioner is concerned he has got only around 10 months of service left for his retirement and therefore he has been approaching the respondent-authorities to grant further extension of time retaining the

government quarter till May 2020, so that children's education could be done.

6. According to the counsel for the petitioner, since the petitioner is working as a constable which is a low paid category under the respondents and on payment of the amount of penal rent, he would be severely affecting his financial position as substantial amount would have to be paid towards penal rent. There would be too little an amount of money left for sustenance of the family thereafter.
7. Be that as it may, so far as government accommodation, its allotment, charging of rent and penal rent are concerned, those are strictly in accordance with the rules governing the field and the guidelines laid down by the department from time to time in this regard. A person can avail the benefit of government accommodation as long as it is otherwise permissible under the rules.
8. In the instant case, from the submission made by the counsel for the respondents, it appears that initially the petitioner was permitted to retain the government accommodation till 31.03.2020 and considering the pandemic situation, the department has extended the retention of the quarter for a further period of two months till 31.05.2020. Beyond that there was no further extension of time. Though there are a couple of representations made by the petitioner for further extension, the same have not been allowed till date.
9. One cannot further lose sight of the facts that during all these period, the effect of the Covid-19 pandemic was growing large in an around the State of Maharashtra so also in the State of Chhattisgarh and

during this period, it was also difficult for anybody to have got another accommodation or to have shifted his family from one place to another. Moreover, the claim for relaxation of penal rent is one which has to be considered by the Higher Authorities in the department, if at all, if it could be reduced. The same is also beyond the scope of the writ jurisdiction.

10. In the instant case, since the petitioner is presently working at Bhilai Unit and the government accommodation occupied by his family is one under the R.C.F. Bombay, the Controlling authorities of both these are entirely different. Therefore, it would be more appropriate, if the petitioner is permitted to make a mercy appeal to the Director General of CISF in-respect-of his grievances, firstly in-respect-of reduction of penal rent, secondly in-respect-of his claim for retention of the government accommodation for the present academic session also.

11. Accordingly, the petitioner is directed to make a suitable application/representation in this regard to the Director General of CISF within a period of 15 days from today. If the petitioner makes a suitable representation to the Director General of CISF, the Director General is expected to take a sympathetic consideration of the same at the earliest within a further period of 60 days from the date of receipt of copy of representation of the petitioner.

12. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge