

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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**CWP No.3013 of 2021
Decided on : 10.02.2021**

Dr. Sanjay Sethi

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. Abhishek Sethi, Advocate
for the petitioner.

Mr. R.K.S. Brar, Additional AG, Haryana.

(The proceedings are being conducted through video
conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral)

The present writ petition has been filed under Article 226/227 of the Constitution of India by the petitioner challenging the order dated 29.01.2021 (Annexure P-7) passed by respondent No.3 whereby permission for over staying in the government accommodation after retirement has been declined.

Counsel submits that the petitioner voluntarily retired on 03.08.2020 (Annexure P-3) and as per the Rule 47 of the Haryana Civil Services (Allowances to Government Employees) Rules, 2016 he was entitled for retaining the government accommodation for six months. On account of his wife suffering from heart ailment, she had also taken voluntarily retirement and therefore, he filed application dated 12.01.2021 (Annexure P-5) for extension to retain the government accommodation on normal license fee for further two months. It is submitted that vide

impugned order dated 29.01.2021 (Annexure P-7) the request has been rejected as per the Haryana Civil Service Rules, 2016.

Reference is made to Rule 44 of Haryana Civil Services (Allowances to Government Employees) Rules, 2016, whereby in special circumstances, person can be allowed rent free accommodation, which is reads as under:

“44. Rent free accommodation and waiving or reducing the amount of licence fee/rent.—

(1) In special circumstances, for reasons to be recorded in writing, the Administrative Department may by general or special order—

(a) grant rent free accommodation to any Government employee or class of Government employees; or

(b) waive off or reduce the amount of rent to be recovered from any Government employee or class of Government employees.”

It is accordingly submitted that respondents can take a fresh look in view of the above mentioned rules, if the petitioner files an appropriate representation.

Notice of motion.

Mr. R.K.S. Brar, Additional AG, Haryana accepts notice on behalf of the State.

Keeping in view the limited request reply has not been called for.

Accordingly, the present writ petition is disposed of with the directions to the competent authority/respondent No.2 to consider the comprehensive representation of the petitioner afresh on the basis of the

submissions made above in this regard. Let the needful be done within a period of two months from the date of the receipt of certified copy of this order. The said decision making will be without being biased about the earlier order which has been passed on 29.01.2021.

The present writ petition is disposed of in the above terms.

10.02.2021
Parveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No