

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

**CWP-4893-2021(O&M)
Date of Decision:02.03.2021**

Dr.T.R.Dhawan

..... Petitioner

versus

State of Haryana and others

..... Respondents

**CORAM : HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr.Siddharath Sharma, Advocate for the petitioner.

TEJINDER SINGH DHINDSA, J. (ORAL)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

Petitioner is a retired Senior Medical Officer from the Panipat Thermal Power Station.

A sum of Rs. 142979/- was deducted from the pension of the petitioner towards recovery of penal rent on account of non-vacation of the Government accommodation from 01.08.2012 to 20.10.2012.

Instant petition has been filed seeking a mandamus directing the respondents to reimburse the afore-noticed amount along with interest at the rate of 18% p.a.

Having heard counsel at length and having perused the pleadings on record this Court finds that the instant writ petition is wholly misconceived and is nothing but an abuse of the process of law.

It has gone controverted that petitioner had instituted a civil suit challenging the imposition of penal rent and the same was dismissed by the trial Court on 09.09.2016. A civil appeal preferred by the petitioner was dismissed by the Lower Appellate Court vide judgment dated 14.03.2019.

Petitioner having taken his chance and having lost in the civil proceedings before the trial Court as also the Lower Appellate Court is now seeking to rake up the same issue in terms of filing the writ petition. The same would be clearly impermissible.

This court was inclined to dismiss the writ petition with exemplary costs. However, keeping in view the fact that petitioner is a retired person and in an advanced age would refrain from doing so.

Petition dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

02.03.2021
sunita

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No