

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 15479 of 2022
Date of Decision: July 20, 2022

BHUPINDER KUMAR AGGARWAL Petitioner(s)
Versus

STATE OF PUNJAB AND OTHERS Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Raj Kumar, Advocate,
for the petitioner.

LISA GILL, J.

Prayer in this writ petition is for directing the respondents to pay the house rent allowance and additional house rent allowance to the petitioner in lieu of rent free accommodation and other due benefits as demanded by him as per legal notice dated 28.04.2021 (Annexure P-8).

Learned counsel for the petitioner submits that petitioner was serving as Senior Accounts Officer at the office of respondent no.3 w.e.f. 13.08.2015 and thereafter, Deputy Chief Accounts Officer w.e.f. 13.05.2016 to 19.12.2016. Petitioner, it is stated was not provided rent free accommodation from 14.08.2015 to 18.12.2016 as per his entitlement. It is submitted that petitioner applied for official accommodation on 14.08.2015 at the first instance and then on 23.09.2015 and yet again on 18.02.2016 but to no avail. Petitioner, thereafter, on 22.06.2016 applied for allotment of available accommodation No. S-6/4, which was one category above his entitlement, which was not allotted to him but to one of his juniors.

Petitioner, it is stated was ultimately allotted the official accommodation on

28.07.2016 but then again possession thereof was not handed over to him as it was still under occupation and possession of the earlier occupant. In this respect legal notice dated 02.04.2018 (Annexure P-6), it is submitted, was served by the petitioner upon the respondents seeking the following:-

- i) to release the pay, LOTA, CA/RA/HRA/Additional HRA for the period 23.7.15 to 12.8.15 for 21 days which has already been treated as compulsory waiting period as a period spent on duty for all intents and purposes vide office order No. 310 dated 8.10.15.
- ii) release the Pay, HRA/Additional HRA and other allowances on the post of Deputy Chief Accounts Officer from 13.5.16 to 9.6.16.
- iii) release HRA/Additional HRA from 23.07.15 to 12.5.16 on the post of Senior Accounts Officer from 13.05.16 to 18.12.16 on the post of Dy. CAO.

There is a reference to entitlement of the petitioner to special pay, LOTA, CA/RA, enhanced salary and allowances but at the time of arguments claim qua house rent allowance and the additional house rent allowances in lieu of rent free accommodation has been raised.

It is to be noticed that legal notice dated 02.04.2018 was duly replied to by the respondents on 16.10.2018 wherein it is specifically stated that when petitioner joined at Sundernagar on 13.08.2015 on the post of Senior Accounts Officer, he was entitled for S-4 type accommodation, which was circulated from time to time but he never applied for S-4 type houses/accommodation. Petitioner's first application for allotment was received on 23.09.2015 wherein he applied for S-5/6 type to which he was not entitled and neither was the house vacant at that time. Thereafter, S-5/22 house was circulated for entitled Class II Officers on 10.12.2015 but he did not apply for allotment. Petitioner's application for allotment on 03.03.2016 could not be accepted due to his lack of seniority as per applicable house

allotment rules. It is further stated in reply to the legal notice that petitioner on 22.06.2016 applied for house no. S-5/40 but as the house was not vacant, it could not be allotted to him. His application dated 06.07.2016 for allotment of house no. S-6/4 was returned as request was not as per his entitlement. Ultimately, house no.S-5/40 was allotted to the petitioner on 28.07.2018 on insistence of the petitioner. It is specifically mentioned in the reply dated 16.10.2018 that:-

“Hence, under above mentioned facts, it is quite clear and correct that the allegations levelled by Sh. B.K. Aggarwal are totally false and baseless and BBMB has regularly circulated houses for allotment and moreover repeatedly requested him to apply for house allotment as per his entitlement but despite knowing the allotment rules and facts he either not applied or if applied then only applied for house for which he was either not entitled for that or he was not falling in the seniority of allotment.”

Admittedly, petitioner did not challenge rejection of his claim as conveyed to him on 16.10.2018. Though, it is submitted that petitioner served another legal notice on 28.04.2021, which has again been rejected on 10.08.2021, learned counsel for the petitioner is unable to explain the reason as to why no action was taken by the petitioner to impugn the action of the respondents of rejecting his claim on 16.10.2018. Submission of a subsequent legal notice or a representation can admittedly not lead to revival of the cause of action, which is clearly time barred now. It is a settled position that litigant who sleeps over his right, is not entitled to any indulgence by the Court. There is no explanation leave alone a reasonable explanation to justify inaction of the petitioner for such long years.

Learned counsel for the petitioner is unable to deny that the cause as urged in this writ petition is admittedly not a recurring cause of action, therefore, present writ petition at this stage is not maintainable being hit by delay and laches.

No other argument has been addressed.

Writ petition is accordingly dismissed.

		(Lisa Gill)
		Judge
20.07.2022	Whether speaking/reasoned:	Yes/No
Sunil	Whether reportable:	Yes/No