

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

(111)

**2024:PHHC:008980
CWP-1319-2024
Date of Decision: 23.01.2024**

Vijay Pal Singh Rathee

--Petitioner

Versus

State of Haryana & others

--Respondents

CORAM:- HON'BLE MR. JUSTICE VIKAS BAHL.

Present:- Mr. Kshitiz Goel, Advocate with
Mr. Krishan Kanha, Advocate for petitioner.

Ms. Rajni Gupta, Addl. A.G., Haryana.

VIKAS BAHL.J (Oral)

1. This is a Civil Writ Petition filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the investigation report (Annexure p-21), Letter dated 18.04.2018 (Annexure P-22), re-examination report dated 14.09.2022 (Annexure P-29) and order dated 27.09.2023 (Annexure P-32) whereby the petitioner has been held guilty for keeping the government accommodation i.e. Field hostel no.4 under possession for an excess period of 6 months and 15 days and Rs.6,66,817/- (300 times the normal rent) has been levied on the petitioner.

2. Learned counsel for the petitioner has submitted that as per the impugned order dated 27.9.2023 (Annexure P-32) the petitioner is sought to be charged penal rent amounting to Rs.6,66,817/- in lieu of overstay w.e.f. 05.05.2014 to 18.11.2014. It is submitted that the said amount has been calculated by considering the rule which has come into force after 2016 as per which the authorities are entitled to charge penal rent 300 times of the normal rent, whereas as per Rule 5.23(e) of the Punjab Civil Services Rules

as applicable to the State of Haryana, prior to 2016, the relevant portion of which is reproduced in para 33 of the writ petition, the penal rent could be 50 times of the normal rent and since the alleged period of overstay is prior to 2016, thus, at best 50 times of the normal rent can be charged as penal rent. It is further submitted that in case the petitioner is permitted to give a detailed representation to the competent authority of respondent State then even other factors showing that the said amount of rent sought to be charged is excessive would be brought to the notice of the authority. It is submitted that the petitioner is ready to pay 50 times of the normal rent within a period of 10 days from today and would also submit a representation within the aforesaid period and has prayed that the competent authority of the respondent State be directed to consider the same in accordance with law.

3. Learned State Counsel has submitted that in case the petitioner deposits 50 times of the normal rent within a period of 10 days from today and submits a detailed representation, then the competent authority would consider the said representation in the light of the rule which is applicable in accordance with law, within a period of two months from the date of receipt of the said representation.

4. Keeping in view the above said facts and circumstances, the present Civil Writ Petition is disposed of in the following terms:-

(i) The petitioner would deposit 50 times of the normal rent due in accordance with Rule 5.23(e) of the Punjab Civil Services Rules (as applicable to Haryana) as extracted in para 33 of the writ petition, within a period of two weeks from today.

(ii) It would be open to the petitioner to give a detailed representation to the competent authority of respondent State bringing to the

notice of the competent authority the rule in question and also other factors in favour of the petitioner, within the aforesaid period of two weeks.

(iii) In case any such representation is made within the aforesaid period of two weeks and the amount as stated in direction (i) is deposited by the petitioner within the aforesaid period, then the competent authority of respondent State would consider the said representation and pass a speaking order on the same.

(iv) Till the time the fresh speaking order is not passed the balance amount of recovery i.e. over and above 50 times of the normal rent, would remain stayed.

(v) The further proceedings/action would be dependent upon the final adjudication/decision on the representation made by the petitioner.

(vi) It is made clear that in case either the amount as undertaken by the petitioner or the representation, as stated by the petitioner is not deposited/filed within the aforesaid period, then, it would be open to the respondent authorities to proceed further in the matter and to recover the rent in accordance with law.

5. Petition is disposed of in the above terms.

(VIKAS BAHL)
JUDGE

23.01.2024
lucky

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No