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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-10167-2024
Date of decision: 03.05.2024

Reena

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sunil Kumar Dhanda, Advocate for the petitioner.

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

VIKAS BAHL, J. (ORAL)

1. This is a Civil Writ Petition filed under Article 226/227 of the Constitution of India for the issuance of a writ in the nature of certiorari for quashing the order dated 29.03.2024 (Annexure P-4) whereby the petitioner has been directed to vacate the Government accommodation/house in two months.
2. Learned counsel for the petitioner has submitted that the petitioner who is a widow and a mother of two minor children was serving as Beldar in the office of Executive Engineer, Provincial Division, Haryana PWD B&R Branch, Panchkula and was allotted Government house i.e. House No.293-F, FF, Sector 14, Panchkula in accordance with the relevant guidelines. It is further submitted that the petitioner was transferred from

the said Branch to Panchkula (Field) (District) Animal Husbandry (Department) as Animal Attendant vide order dated 09.01.2024 and the said office is also in District Panchkula. It is further submitted that however, thereafter vide order dated 29.03.2024, the petitioner was directed to vacate the Government accommodation within a period of two months on account of her said transfer and further an amount of Rs.30,000/- approximately was stated to be due from the petitioner. It is also submitted that the petitioner had given a demand draft of an amount of Rs.30,927/- in favour of the Department (Annexure P-5) and nothing is pending against the petitioner on the said ground. It is argued that since, the petitioner had been transferred to another Department in the same District, thus, no occasion arose for directing the petitioner to vacate the premises and in this regard, reference to Rule 47 of the Haryana Civil Services (Allowances to Government Employees) Rules, 2016 has been made, as per which, in case of transfer to other station, the petitioner could be asked to vacate the premises. It is submitted that there is no complaint against the petitioner and there are no other allegations so as to call for vacation of the premises in question.

3. Learned counsel for the petitioner has submitted that the petitioner had given a representation dated 10.04.2024 (Annexure P-7) and she would be satisfied at this stage, in case, the competent authority of respondent No.1-State takes a decision on the said representation in a time bound manner and till the time, the said decision is taken, status quo as it exists today be maintained.

3. Learned State Counsel has submitted that the competent authority of respondent No.1-State would consider the said representation

dated 10.04.2024 (Annexure P-7), in accordance with law, as expeditiously as possible, preferably within a period of three weeks from the date of receipt of certified copy of the present order.

4. Keeping in view the abovesaid facts and circumstances, the present Civil Writ Petition is disposed of with direction to the competent authority of respondent No.1-State to consider the representation dated 10.04.2024 (Annexure P-7), in accordance with law, within a period of three weeks from the date of receipt of certified copy of the present order and till the time the final decision is taken, status quo as it exists today be maintained and in case, the pleas raised by the petitioner are found to be meritorious, then, the competent authority would grant necessary relief, in accordance with law and in case, the competent authority is of the opinion that the pleas raised by the petitioner are not meritorious, then, a speaking order rejecting the same be passed within a period of three weeks from the date of receipt of certified copy of the present order.

5. This Court has not opined on the merits of the case and the competent authority of respondent No.1-State would consider the case of the petitioner independently, in accordance with law.

03.05.2024
Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No