

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

LPA-606-2023 (O&M)

Date of decision:- 24.01.2024

State of Haryana and others

...Appellant(s)

Versus

Vikram Nehra

...Respondent(s)

CORAM: **HON'BLE MS. JUSTICE RITU BAHRI, ACTING CHIEF JUSTICE**
HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Deepak Balyan, Additional Advocate General, Haryana,
for the appellants.

Mr. Raman Chawla, Advocate,
for the respondent.

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RITU BAHRI, A.C.J. (ORAL)

CM-1590-LPA-2023

For the reasons mentioned therein, the delay of 15 days in filing the appeal is condoned.

The application stands disposed of.

LPA-606-2023

The appellants have come up in appeal against the judgement and order dated 30.01.2023 passed by the learned Single Judge, whereby the writ petition filed by the petitioner (respondent herein) was disposed of holding that he could not be forced to pay penal rent for occupying H. No. 701, Tower 'J', Police Line, Gurugram for five months, rather he could be asked to pay penal rent for two months i.e. for overstay period of the month of June (50 times of the normal license fee) and for overstay period of the month of July (100 times of the normal license fee) as per Rule 48 of the Haryana Civil Services (Allowances to Government Employees) Rule, 2016 (in short the Rules).

Learned State counsel, appearing for the appellants, has argued that in paragraph 13 of the impugned judgement, it has been observed by the learned Single Judge that the respondent after being transferred from Gurugram to Narnaul occupied the house in question for 21 days and thereafter he was again transferred back from Narnaul to Gurugram on 05.02.2019 in the office of Irrigation and Power Police Station at Sushant Lok, Gurugram.

A communication dated 15.07.2019 (Annexure R-1) from the Commissioner of Police, Gurugram to the DGP-cum-Director/Vigilance,

HPUs, Panchkula has been placed on record by the respondent. This letter only states that after the expiry of two months, the penal rent as per Rule 48 of the Rules has to be recovered. An order dated 17.07.2019 (Annexure R-2) passed by the Deputy Commissioner of Police, Gurugram had been communicated to the respondent stating that he had retained the accommodation for four months and it had to be cancelled on the expiry of the admissible concessional period and penal rent was to be recovered. During the pendency of the writ petition, order (Annexure R-4) had been passed by the Deputy Commissioner of Police, Headquarters, Gurugram. However, keeping in view that even if the respondent had retained the accommodation after being re-transferred back from Narnaul to Gurugram, he had not occupied two government houses and had only occupied the house which was allotted to him by the competent authority. As per the impugned judgement passed by the learned Single, he is to pay the penal rent only for overstay of two months.

The finding given by the learned Single Judge in paragraph 15 of the impugned judgement is that the order dated 15.07.2019 (Annexure R-1) was never communicated to the respondent and even the learned State counsel for the appellants has not been able to show that this order was ever communicated to the respondent as a perusal thereof shows that it was passed by the Deputy Commissioner of Police, Headquarters, Gurugram and no copy was sent to the respondent.

Keeping in view the above facts, no ground is made out to interfere with the impugned judgement passed by the learned Single Judge.

The appeal being devoid of merits, accordingly, stands dismissed.

Since the main appeal is dismissed, pending miscellaneous application(s), if any, stand(s) disposed of.

(RITU BAHRI)

ACTING CHIEF JUSTICE

(AMAN CHAUDHARY)

JUDGE

24.01.2024

Amodh Sharma

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No