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

(215) CWP-2553-2017
Date of Decision : May 27, 2024

Hans Raj .. Petitioner

Versus

State of Haryana and others .. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ajay Chauhan, Advocate for
Mr. Diwan S. Adlakha, Advocate, for the petitioner.

Ms. Vibha Tewari, Assistant Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the challenge is to the order dated 12.07.2016 (Annexure P-6) by which, the penal rent of Rs.2,82,377/- has been charged upon the petitioner for not vacating the official premises.
2. Learned counsel for the petitioner argues that official accommodation was allowed to the petitioner while the petitioner was posted at Water Services Sub Divisional Dadupur, District Yamuna Nagar. From the said sub division, the petitioner was transferred to Water Services Sub Divisional Tajewala, District Yamuna Nagar. As the Sub Division Tajewala, District Yamuna Nagar was 24 kms away from the earlier posting of the petitioner, the petitioner decided to retain the said accommodation so

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as to reside at the same accommodation. The petitioner was directed to vacate the said premises by the respondents and ultimately, for a period starting from 01.09.2014 till 27.03.2015, penal rent has been charged upon the petitioner to the tune of Rs.2,82,377/-. Learned counsel for the petitioner submits that in case the premises had not been vacated by him, the respondents could only have charged the market value and not the penal rent, which is 300 times of the licence fee.

3. Learned counsel for the respondents, on the other hand, submits that the penal rent has only been imposed upon the petitioner as per the instructions dated 18.06.2012 (Annexure R-1) hence, no fault can be found in the imposition of the penal rent.

4. I have heard learned counsel for the parties and have gone through the record with their able assistance.

5. Though the Government employees are liable to vacate the premises within a period of two months of seizing to be posted at a particular station, but in case, a Government employee is not allotted any official accommodation at the transferred place and he retain the accommodation at the old place and is also residing therein and is attending the duties at the new place of posting daily from the old allotted premises only, the respondents cannot charge the penal rent of 300 times of the licence fee. The respondents could have charged the market rent of the premises concerned or twice the market rent as per the instructions dated 18.06.2012 (a copy of which has been appended as Annexure R-1).

6. In the present case, without examining the actual facts of the

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petitioner was not allotted any premises and he continued to live in the old allotted house only, the respondents should have charged the market rent of the premises and not penal rent 300 times of the licence fee.

7. Keeping in view the above, the impugned order dated 12.07.2016 (Annexure P-6) is set aside. The respondents are directed to recalculate the liability of the petitioner at the market rate of the premises concerned for the period the petitioner enjoyed the said premises beyond his entitlement. The petitioner has undertaken that the said market rent will be deposited by him within a period of eight weeks of any such information received by him.

8. The present writ petition is allowed in above terms.

May 27, 2024
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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