



2024:DHC:10063-DB



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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

*Date of decision: 24.12.2024*

+ W.P.(C) 17948/2024

**BHOLA PRASAD SHUKLA**

.....Petitioner

Through: Ms. Tamali Wad, Sr. Adv. with  
Mr. O.P. Agarwal, Adv.

versus

**UNION OF INDIA & ORS.**

.....Respondents

Through: Mr. Rahul Sharma, CGSC for  
UOI.  
Mr. Mimansak Bhardwaj, SPC  
with Ms. Vidya Mishra, Ms.  
Archana Kumari, Advs.  
AC Raj Kumar, SI Amit  
Sharma & SI Prahalad, CISF.

**CORAM:**

**HON'BLE MR. JUSTICE NAVIN CHAWLA**

**HON'BLE MS. JUSTICE SHALINDER KAUR**

**NAVIN CHAWLA, J. (Oral)**

**CM APPL. 76360/2024**

1. Allowed, subject to just exceptions.

**W.P.(C) 17948/2024 & CM APPL. 76359/2024**

2. This petition has been filed by the petitioner praying for the following reliefs:

*“a) Issue a writ in the nature of mandamus  
or certiorari or any other writ or order or  
directions to the concerned respondents for*



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*not recovering the penal rent levelled for the period from 01.09.2023 to 28.02.2024 and if recovered the same may kindly be refunded to the petitioner considering his responsibilities relating to his daughter and wife;*

*b) Quash the impugned order/letter dated 13.02.2024 issued by the Respondent no.8 and letter dated 27.06.2024 issued by Respondent No.7 respectively whereby, the request of the petitioner was rejected for waiver of penal rent.”*

3. Admittedly, the petitioner, while being posted at the Central Industrial Security Force (in short, “CISF”) Unit, Samadhi Sthal, New Delhi, was allotted a family accommodation at Timarpur in July, 2014. The petitioner was then transferred to the CISF Unit, DMRC, Delhi on 31.05.2022. The petitioner applied for an extension to retain the government accommodation, stating that his daughter was categorised HA medical category and was under treatment at Cardiothoracic & Neurosciences, AIIMS, New Delhi. At that time, the daughter of the petitioner was pursuing a degree of M.Ed. in Jamia Millia Islamia and was a case of “*blindness*”. The said request was acceded to by the respondents and the petitioner was allowed to retain the government accommodation till 31.08.2023.

4. The petitioner did not vacate the government accommodation and instead applied for further extension.

5. The said request for an extension was refused by the respondents in December, 2023, and by a letter dated 03.01.2024, the penal rent of Rs.82,720/- for September 2023 to December 2023 was conveyed to the petitioner.



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6. The petitioner finally vacated the government accommodation on 12.02.2024.

7. By the impugned communication dated 13.02.2024, a final recovery notice of penal rent of Rs.1,14,400/- has been conveyed to the petitioner. Being aggrieved thereby, the petitioner has filed the present petition.

8. The learned senior counsel for the petitioner submits that the petitioner, due to the ailment of his daughter, was allowed to retain the government accommodation till 31.08.2023. The petitioner requested for further extension of the same, however, the same was denied to him only in December 2023. She submits that, therefore, the respondents cannot charge the penal rent for the period upto December 2023.

9. She further submits that the petitioner immediately vacated the government accommodation on such refusal, on 12.02.2024, and, therefore, the penal rent should not be charged from the petitioner. She submits that for the period for which now penal rent is being charged, the petitioner has not been paid even the House Rent Allowances (in short, "HRA")/Compensation in lieu of Quarter (in short, 'CILQ') thereby, making double recovery from the petitioner. If the penal rent is to be charged, the petitioner should be held entitled to grant of the HRA/CILQ.

10. The learned senior counsel for the petitioner submits that in terms of Rule 61 of the Central Industrial Security Force Rules, 2001 (in short, 'CISF Rules'), the Force has to provide accommodation to



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the personnel other than Supervisor, @ 45% to the married enrolled members of the Forces, and in case of failure to provide, HRA/CLIQ has to be paid. She submits that it is not the case of the respondents that the petitioner did not fall within this 45%. She further submits that, therefore, the petitioner would be entitled to HRA/CLIQ.

11. On the other hand, the learned counsel for the respondents, who appears on advance notice, submits that keeping in view the peculiar circumstances stated by the petitioner, on sympathetic ground, the petitioner was granted an extension of time to retain the government accommodation for more than one year of his actual entitlement, that is, till 31.08.2023. The petitioner, in the mean time, was supposed to make an application to the DMRC, where he had been posted, for allotment of the government accommodation. He did not move any such application, and instead, on the expiry of the period of extension, applied for further extension to retain the government accommodation. This request was rejected by the competent authority, and for the unauthorised retention of the government accommodation, demand for penal rent has been raised on the petitioner. He submits that there can be no fault found in the demand. In support of his plea, he places reliance on the Judgment of this Court in *L/HC/GD Poonam Kumari v. Union Of India & Ors*, 2024:DHC:2000-DB.

12. As far as the entitlement of the petitioner to the HRA/CILQ is concerned, he submits that this is not even a prayer in the present petition.

13. We have considered the submissions made by the learned



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counsel for the parties.

14. Admittedly, the petitioner, on being transferred to the DMRC, was no longer entitled to retain the government accommodation allotted to him. On his request, the period of retention of the government accommodation provided to him was extended by the respondents till 31.08.2023, thereby giving him sufficient time to make alternate arrangements. The petitioner, however, again in September 2023, requested for further extension of the period to retain the government accommodation. The same was refused by the competent authority and a demand for penal rent has been raised on the petitioner for his occupation of the accommodation since September, 2023.

15. It is not shown to us that the demand raised by the respondents is contrary to any rule or procedure. Only on sympathetic grounds, the legal demand raised by the respondents cannot be interfered with. The petitioner had been granted more than sufficient sympathetic consideration by the respondents themselves by granting him an extension of the period for retention of the government accommodation. We, therefore, do not find any merit in the prayer made in the petition.

16. As far as the reliance on Rule 61 of the CISF Rules is concerned, we are of the opinion that in the absence of the petitioner showing that he applied for the accommodation with the DMRC and the same was refused by the DMRC, and, in fact, any such prayer having been made by the petitioner in the petition, we should not enter



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this issue. As far as the prayer of the petitioner for HRA/CILQ is concerned, the same is not a subject matter of the present petition. It shall be open to the petitioner to claim the same in accordance with law. If such an application is made by the petitioner, we have no reason to doubt that the same shall be considered by the respondents in accordance with law.

17. In view of the above, the petition is dismissed.

**NAVIN CHAWLA, J**

**SHALINDER KAUR, J**

**DECEMBER 24, 2024/ab/B/VS**

*Click here to check corrigendum, if any*