

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

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(I) CWP-25325-2025

Date of Decision : November 14, 2025

VINOD KUMAR AND ANOTHER

-PETITIONERS

V/S

STATE OF HARYANA AND OTHERS

-RESPONDENTS

(II) CWP-13903-2022 (O&M)

VINOD KUMAR AND ANOTHER

-PETITIONERS

V/S

STATE OF HARYANA AND OTHERS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. S.S. Sahu, Advocate
for the petitioners.

Mr. Bhupender Singh, Addl. A.G., Haryana.

KULDEEP TIWARI, J. (ORAL)

1. Both these writ petitions are amenable to being decided through a common verdict on account of theirs encompassing a common issue concerning the entitlement of the petitioners, who are government employees, to retain the allotted government accommodation.

2. The petitioner No.1- Vinod Kumar initially approached this Court by filing CWP-13903-2022, seeking directions to respondent No.3 to consider his application dated 28.12.2021 for allotment of Government Quarter B-12. The said accommodation had already been allotted to his wife Seema Rani - petitioner No.2, who was employed as a Judo Coach in the office of the District Sports and Youth Program Officer, Sirsa, and

was subsequently transferred to the office of the Sports and Youth Program Officer, Fatehabad, vide order dated 16.11.2021.

3. The petitioner's case rested on the contention that since both the petitioners are government employees, they are entitled to the same government accommodation. Though the petitioner No.2, the original allottee, had been transferred to Fatehabad, the petitioner No.1, being still posted within the territorial jurisdiction of Sirsa, was entitled to be considered for allotment of the same government accommodation in his name.

4. The grievance raised before this Court was that, without considering or deciding the petitioner No.1's application regarding his entitlement to the said accommodation, the authorities initiated proceedings to impose penal rent on the petitioner No.2.

5. A Co-ordinate Bench of this Court, vide order dated 09.08.2022, ordered to maintain *status quo* regarding possession, and as a result, the petitioners continue to occupy the government accommodation.

6. During the pendency of the writ petition (*supra*), the petitioner No.2 was served with recovery notices dated 23.04.2025 and 12.06.2025, whereby the authorities sought recovery of penal rent for retention of the accommodation despite cancellation of the allotment. Aggrieved by the recovery notices, the petitioners filed another CWP-25325-2025 before this Court.

7. Upon hearing learned counsel for the parties at length, this Court had passed the following order on 04.09.2025:-

“Through the instant writ petition, as cast under Articles 226/227 of the Constitution of India, challenge is thrown to the

recovery notices dated 23.04.2025 (Annexure P-15), and 12.06.2025 (Annexure P-16), served upon petitioner No.2, vide which, penal rent has been imposed, for illegally occupying the government accommodation allotted to her.

Learned counsel for the petitioners submits that the house in question was allotted to petitioner No.2, vide allotment letter dated 20.03.2020 (Annexure P-1). Whereafter, she was transferred from Sirsa to Fatehabad, and relinquished her charge on 16.11.2021. He further submits that her husband (petitioner No.1) was also staying with her, who was also entitled for the same category of accommodation, being a Government Lecturer, and both of them are not claiming HRA. He asserts that post transfer of petitioner No.2, her husband, vide application dated 28.12.2021 (Annexure P-4), made a request to the authorities concerned to allot him the same house, but, no order was passed thereon.

Fetching grievance from the aforesaid, petitioner No.1 filed CWP-13903-2022, wherein, a Coordinate Bench, vide order dated 09.08.2022, passed an order of status quo regarding possession of the house in question. In the interregnum, even petitioner No.2 has been transferred back to Sirsa, and thus, both the petitioners continue to stay in the said house. It is submitted that, in fact, number of accommodations are lying vacant in the same area, but, instead of taking a final decision on the request of petitioner No.2, the petitioners have been burdened with impugned recovery notices.

Notice of motion.

Mr. Bhupender Singh, learned Additional Advocate General, Haryana, accepts notice and waives service. He prays for a short accommodation to have apt instructions from the quarter concerned, and also to file written statement, if any, to the instant petition.

The asked for request is accepted.

This Court is of the considered view that, at this stage, a Mandamus is required to be passed upon the Deputy Commissioner concerned, who is the competent authority, to take a final decision on the application of petitioner No.1, and place

the decision, so taken by way of an affidavit, on or before the next date of hearing.

Adjourned to 29.10.2025.

Till further orders, no recovery, pursuant to the impugned recovery notice(s), shall be effected.

Learned State counsel shall inform the Deputy Commissioner concerned, about the directions (supra), for latter to make compliance.”

8. In compliance with the directions embodied in the hereinabove extracted order, a reply dated 28.10.2025 was filed on the affidavit of Mr. Shantanu Sharma, Deputy Commissioner, Sirsa. The reply disclosed that the petitioner No.1's application dated 28.12.2021 regarding allotment of the government accommodation in question had already been considered and rejected by the then Deputy Commissioner on 02.03.2022, under due intimation to the petitioner No.1.

9. From the hereinabove discussed sequence of events and available record, it becomes vividly clear that: (i) none of the petitioners has been allotted the government accommodation in question as on date; (ii) the petitioners continue to occupy the government accommodation solely due to the interim *status quo* order passed by a Co-ordinate Bench of this Court; and (iii) petitioner No.1's application for allotment was rejected by the competent authority way back on 02.03.2022. Consequently, the petitioners currently have no legal right or authority to continue in possession of the government accommodation in question.

10. Now, the issue arising for consideration is whether the imposition of penal rent upon the petitioner No.2 is sustainable. As already observed hereinabove, the petitioners have continued to occupy the government accommodation under the interim stay, but this fact was

not considered while issuing the impugned recovery notices. Therefore, this aspect needs to be examined by the authority concerned before finalizing the penal rent to be recovered, if any, from the petitioner No.2.

11. In summa, these writ petitions are **disposed of** with the following directions:-

(i) The impugned recovery notices are set aside, being issued without considering the interim stay granted by a Co-ordinate Bench. However, liberty is reserved to the authority concerned to pass a fresh order, after affording the petitioners an opportunity of hearing and taking into account the facts recorded hereinabove;

(ii) The petitioners shall vacate the government accommodation in question and hand over vacant possession to the authority concerned within four weeks;

(iii) If the petitioners still consider themselves entitled to allotment of the government accommodation, on account of their posting within the jurisdiction of Sirsa, they are at liberty to submit a fresh representation to the competent authority, which shall be considered and decided in accordance with the relevant allotment rules and their entitlement.

12. Pending applications also stand disposed of accordingly.

13. A photocopy of this order be placed on file of connected case.

November 14, 2025
devinder

(KULDEEP TIWARI)
JUDGE

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