
(2019) 07 UK CK 0168
In the Uttarakhand High Court
Case No : Special Appeal No. 676 Of 2019

Aditya Prasad Bhatt And Others

APPELLANT

Vs

Commissioner Garhwal Mandal Pauri And Others

RESPONDENT

Date of Decision : 19-07-2019

Acts Referred:

Citation : (2019) 07 UK CK 0168

Hon'ble Judges : Ramesh Ranganathan, CJ;Alok Kumar Verma, J

Bench : Division Bench

Advocate : Niranjana Bhatt, B.S. Parihar

Final Decision : Dismissed

Judgement

Ramesh Ranganathan, CJ

1. Heard Mr. Niranjana Bhatt, learned counsel for the respondents-writ petitioners and Mr. B.S. Parihar, learned Standing Counsel for the State of Uttarakhand.

2. This appeal is preferred against the order passed by the learned Single Judge in Writ Petition (M/S) No. 1389 of 2019 dated 13.06.2019. The appellants-writ petitioners filed the said Writ Petition seeking a writ of mandamus commanding the respondents not to compel the appellants-writ petitioners to vacate the residential accommodation allotted to them at the Collectorate Colony, Uttarkashi till the time they are not allotted residential accommodation at their promoted/ transferred place.

3. Facts, to the limited extent necessary, are that the first petitioner was posted as a Senior Administrative Officer in the Collectorate at Uttarkashi and, on his promotion as Chief Administrative Officer, he was transferred and posted at Dehradun on 11.05.2018. Likewise, the second petitioner was posted as an Administrative Officer in the Collectorate at Uttarkashi and, on his promotion as a Senior Administrative Officer, he was posted at Tehri Garhwal on 22.06.2018. The third petitioner was also posted as an Administrative Officer in the Collectorate at

Uttarkashi and, on his promotion as a Senior Administrative Officer, he was posted at Dehradun on 27.09.2018.

4. Despite the appellants-writ petitioners being transferred and posted elsewhere, all the three of them have been continuing to retain the official accommodation provided to them by the Uttarkashi Collectorate at Uttarkashi. They invoked the jurisdiction of this Court contending that, since they are yet to be provided official accommodation in the place, to which they have been transferred, they should be permitted to retain their official accommodation, which was hitherto provided to them, at Uttarkashi.

5. In the order under appeal, the learned Single Judge observed that the appellants-writ petitioners had not vacated their official accommodation at Uttarkashi despite their transfer; the prayer sought by them, to direct that the respondents be restrained from evicting them from their official accommodation, could not be granted; they were working in transferable posts; they had to vacate the official accommodation within the time prescribed by law; and, thereafter, the law would take its own course. Taking note of the submission of the learned State Counsel, that the appellants-writ petitioners had been provided official accommodation at their new place of posting, the learned Single Judge dismissed the writ petition.

6. Employees cannot retain the official accommodation provided at their earlier place of posting, after being transferred and posted elsewhere. In case official accommodation is not available at the new place of posting, employees are entitled to be paid certain amount as House Rent Allowance. The mere fact that official accommodation is not provided, at the new place of posting, does not confer any right on the appellants-writ petitioners to claim that they should be permitted to retain the official accommodation provided to them at their earlier place of posting, where they are no longer working. Granting such a claim would deprive those, who have been transferred and posted in the Collectorate at Uttarkashi, of the official accommodation available there, only because it continues to remain under the occupation of employees who have been transferred elsewhere.

7. The writ petition, as filed, is wholly misconceived. We see no reason, therefore, to interfere with the order under appeal. The Special Appeal fails and is, accordingly, dismissed. No costs.