
(2011) 02 AHC CK 0291
In the Allahabad High Court
Case No : Writ A. No. 8005 of 2011

Dayanand Yadav and Others

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 11-02-2011

Acts Referred:

Citation : (2011) 02 AHC CK 0291

Hon'ble Judges : Dilip Gupta, J

Bench : Single Bench

Final Decision : Disposed Of

Judgement

Dilip Gupta, J.—The Petitioners who are Constables were earlier posted at Government Railway Police, Allahabad were subsequently transferred to the Civil Police in Allahabad district. They are aggrieved by the order dated 18th January, 2011 passed by the Senior Superintendent of Police, Allahabad directing them to pay penal rent since they did not vacate the official accommodation allotted to them while they were posted in Government Railway Police, Allahabad.

2. It is submitted by Sri A.R. Dube, learned Counsel for the Petitioners that since the Petitioners continue to be posted in the same city, no penal rent should be charged from them and in support of this contention he has placed reliance upon various decisions of this Court.

3. Sri Shashank Shekhar Singh, learned Additional Chief Standing Counsel appearing for the Respondents has pointed out that there are very limited official accommodations for the Constables in the Government Railway Police and if the Petitioners continue to occupy the said official accommodation, it will not be possible for the Department to allot official accommodation to the persons who have been subsequently posted in Government Railway Police. He, therefore, states that the Petitioners must vacate the official accommodation and so far as the charge of penal rent is concerned, they may move a representation before the Superintendent of Police (Railway), Allahabad who shall examine the same

and take a decision expeditiously.

4. I have considered the submissions advanced by the learned Counsel for the parties.

5. The Petitioners have been transferred from Government Railway Police to Civil Police. They must, therefore, vacate the official accommodation allotted to them. Learned Counsel for the Petitioner has given an undertaking on behalf of the Petitioners that they shall vacate the official accommodation within two months from today. Let this be done.

6. Insofar as the penal rent is concerned, the Petitioners may move a representation before the Superintendent of Police (Railway), Allahabad along with the certified copies of the judgment on which the Petitioners place reliance. In view of the facts and circumstances of the case it is ordered that till the representation is decided, the Petitioner shall not be compelled to deposit the penal rent.

7. The writ petition is disposed of with the aforesaid observations.