

(2023) 09 SHI CK 0040
In the High Court Of Himachal Pradesh
Case No : Civil Writ Petition No. 4438 Of 2023

Jai Pal

APPELLANT

Vs

State Of H.P. And Others

RESPONDENT

Date of Decision : 18-09-2023

Acts Referred:

Citation : (2023) 09 SHI CK 0040

Hon'ble Judges : Jyotsna Rewal Dua, J

Bench : Single Bench

Advocate : Kul Bhushan Khajuria, Anup Rattan, Sumit Sharma

Final Decision : Disposed Of

Judgement

Jyotsna Rewal Dua, J

1. Following order was passed in this matter on 12.07.2023:-

"CWP No.4438 of 2023 & CMP No.8468 of 2023

Notice be issued to the respondents.

Mr. Sidharth Jalta, learned Deputy Advocate General accepts notice on behalf of the respondents. Reply be filed within four weeks.

Prima facie the cancellation of the accommodation allotted to the petitioner at Nalagarh vide impugned order dt. 26.04.2023 appears to be patently arbitrary and contrary to the Himachal Pradesh Allotment of Government Residences (General Pool) Rules, 1994, because clause 16 thereof enables the State to allot to a transferred official at original place of posting even on his transfer to a scheduled area like Reckong Peo for family bonafide use; and having allotted the petitioner to occupy the said accommodation on 05.10.2018, it cannot be cancelled almost five years later on the pretext that prior intimation was not given to the Estate Officer/SDM Nalagarh. This is because the said Officer i.e. SDM Nalagarh is part of the State Government and it cannot be said that one

department of the State Government is not aware of the transfer of the petitioner to another place when the petitioner is an employee of the State Government.

Therefore there shall be interim stay of Annexure P-6 orders dt. 26.04.2023 and Annexure P-10 dt.16.06.2022, until further orders.

List on 18.09.2023.”

2. During the course of hearing today, learned counsel for the parties placed on record copy of office communication dated 07.07.2023, which indicates that the petitioner has been permitted to retain the government accommodation. The office communication reads as under:-

“With reference to the subject cited above it is intimated that Sh. Jai Pal, Clerk is serving at District Treasury Kinnaur at Reckong Peo since 15.09.2021. As per Himachal Pradesh Allotment of Government Residences (General Pool) Rules 1994, Rule No.16, the employee posted at a Tribal area, can retain his accommodation. Hence, you are requested to allow him to retain the said Govt. accommodation.”

3. Learned counsel for the petitioner submits that the relief prayed for by the petitioner now stands granted to him by the respondents.

In view of the above, this writ petition to stand disposed of alongwith pending miscellaneous application(s), if any.