
(2011) 12 AHC CK 0262
In the Allahabad High Court
Case No : Service Single No. 9418 of 2011

Mohammad Mushid

APPELLANT

Vs

State of U.P.and others

RESPONDENT

Date of Decision : 23-12-2011

Acts Referred:

Citation : (2011) 12 AHC CK 0262

Hon'ble Judges : Anil Kumar, J

Final Decision : Disposed Of

Judgement

Anil Kumar,J.

Heard Sri R.K.S. Suryvanshi, learned counsel for petitioner, learned Standing Counsel and perused the record.

Brief facts of the present case are that petitioner who was working on the post of Constable in Faizabad has been allotted, an official accommodation in the said capacity. Subsequently, he has been transferred to Kaushambi.

In view of the abovesaid facts, the petitioner was asked to vacate the accommodation/Quarter No. C/208 which is allotted to him while he was working at Faizabad.

Learned counsel for petitioner submits that this sons are at present studying at Faizabad and if during the midsession, he is compelled to vacate the premises in quesiton at Faizabad, the studies of his sons will suffer.

Learned counsel for petitioner further undertakes, that the petitioner shall vacate the premises which is allotted to him at Faizabad on or before 31st May, 2012 and also pay the rent in respect to the same payable as per the terms and conditions of the allotment order.

He further submits that in identical circumstances, this Court had passed order dated 04.11.2011 in Writ Petition No. 8025 (SS) of 2011, order dated

19.10.2011 in Writ Petition No. 7717 (SS) of 2011 and order dated 01.07.2011 in Writ Petition No. 3776 (SS) of 2011.

The operative portion of the order dated 01.07.2011 passed in Writ Petition No. 3776 (SS) of 2011 (Smt. Kamlesh Pandey Vs. State of U.P. and provides as under:

"The petitioner, who is a Constable in Civil Police posted at Barabanki, has been transferred to District Sultanpur vide order dated 29.3.2011 where she has joined. She submits that the accommodation No.31, which has been allotted at Police Lines Barabanki, may be retained by her till March, 2012 as her daughter is staying and studying there in ClassXII, to which learned Standing Counsel submits that he has no objection.

Considering the peculiar facts and circumstances of the case, the opposite parties are restrained from initiating any action for eviction of the petitioner from the accommodation No.31, Police Lines, Barabanki till March, 2012, provided the petitioner pays rent, as per terms and conditions at the time of allotment.

With these observations and directions, the writ petition is disposed of finally"

Accordingly, learned counsel for petitioner prays that similar protection may be given to the present petitioner also.

Sri B.K. Rai, learned Standing Counsel has no objection to the abovesaid prayer.

For the foregoing reasons, the petitioner is allowed to retain the government accommodation/Quarter No. C/208 in question at Faizabad till 31st May, 2012 and pay rent as per the terms and conditions of the allotment order.

With the above observations, the writ petition is finally disposed of.