



2026:CGHC:14514

WPS No. 6099 of 2019



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 6099 of 2019

- Ram Avatar Sharma S/o Late Badri Prasad Sharma, Aged About 62 Years, R/o House No. 05, Khursipar, Power House Bhilai, MPR Road, Near Cities Beauty Parlor, District Durg Chhattisgarh.

... Petitioner

versus

1. State Of Chhattisgarh The Secretary, Skill Development Technical Education Department, Mantralaya, Atal Nagar, New Raipur, Chhattisgarh.
2. The Director Employment And Training, Indravati Bhawan, First Floor, Block 4, Atal Nagar, New Raipur, Chhattisgarh.
3. The Joint Director (Training) Regional Office, Industrial Training Institute, Durg Region, Durg, Chhattisgarh.
4. The Principal, Industrial Training Institute, Bhilai, District Durg, Chhattisgarh.
5. The Principal Industrial Training Institute, Mohla, District Rajnandgaon, Chhattisgarh.

... Respondents

For Petitioner :- Mr. B.P. Singh, Advocate, with Mr. Harshwardhan Singh Thakur, Advocate.

For State :- Mr. Sharad Mishra & Mr. H.A.P.S. Bhatia, Panel Lawyers.

**SB- Hon'ble Shri Justice Sanjay K. Agrawal****Order On Board****27.03.2026**

1. The petitioner has preferred this writ petition calling in question the legality, validity and correctness of the order dated 04.07.2017 by which amount of ₹4,97,600/- has sought to be recovered as penal rent from the petitioner's gratuity.
2. The aforesaid challenge has been made by the petitioner on the following factual backdrop:-
 - 2.1 The petitioner was working as Assistant Grade-III in the Industrial Training Institute (for short ITI), Bhilai, District Durg, from where he was transferred to ITI, Mohla, District Rajnandgaon in the month of June, 2009. However, he was not allotted any quarter at ITI Mohla, therefore, he remained stayed at Government quarter at ITI Bhilai. It is the case of the petitioner that ₹95/- HRA was deducted from the salary of the petitioner which has been shown in petitioner's salary slip (Annexure P/6), as such, the Competent Authority allowed him to retain the quarter at ITI Bhilai and no quarter was allotted to him at ITI Mohla, therefore, no penal rent can be recovered from the petitioner.



- 2.2. State has filed the reply stating *inter-alia* that recovery order is just and proper and within the jurisdiction and strictly in accordance with law.
3. Mr. B.P. Singh, learned counsel for the petitioner, would submit that the petitioner was transferred from ITI Bhilai to ITI Mohla and at the transferred place, the petitioner was not granted accommodation and also HRA was recovered from the salary of the petitioner for the house which was allotted to the petitioner and retained by the petitioner at Bhilai, therefore, recovery of penal rent is totally unjustified.
4. Mr. Sharad Mishra and HAPS Bhatia, learned State counsel, would oppose the prayer made by learned counsel for the petitioner and submit that deduction of the penal rent is absolutely justified. They would also submit that show cause notices were served to the petitioner for vacating the quarter, but he did not vacate the same and therefore, writ petition deserves to be dismissed.
5. I have heard learned counsel for the parties, considered their rival submissions made herein above and gone through the records precisely.



6. True, it is that the petitioner was transferred from ITI Bhilai to ITI Mohla in the month of June, 2009, but admittedly, the petitioner was not allotted any official accommodation at ITI Mohla and for the accommodation at Bhilai, HRA was deducting from the salary of the petitioner upto June, 2017 which is apparent from the salary slip (Annexure P/6). As such, the petitioner was allowed impliedly to retain the quarter at ITI Bhilai as he was not allotted the quarter at ITI Mohla and HRA ₹95/- against the quarter allotted and occupied by the petitioner at ITI Bhilai was deducted. Moreover, once the Competent Authority permitted him to stay in the quarter at ITI Bhilai and the HRA were deducted, in my considered opinion, penal rent could not have been recovered as the petitioner stayed with a implied permission of the Competent Authority for which the Competent Authority deducted the usual rent from the salary of the petitioner for the entire period. Furthermore, as per the State counsel show cause notices were served to the petitioner for vacating the quarter, however the same is of no use as the Competent Authority impliedly allowed to him stay in the suit accommodation and also deducted HRA from the salary of the petitioner. Accordingly, recovery order of amount to the tune of ₹4,97,600/-(Annexure P/11)



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as well as impugned order (Annexure P/1) are quashed and the penal rent amount i.e. ₹4,97,600/- which has already been recovered from the gratuity of the petitioner is directed to be refunded to the petitioner within 30 days from today.

7. In view of the aforesaid discussion and analysis, the instant writ petition is allowed to the extent indicated herein above.

Sd/-
(Sanjay K. Agrawal)
Judge

Ankit