



IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No. 9187 of 2023

Reserved on: 20.07.2026

Decided on: 29.07.2026

Uploaded on:29.07.2026

Dr. Narender Kumar Bhardwaj

..... Petitioner.

-Versus-

State of H.P. and others

.....Respondents.

Coram:

Hon'ble Mr. Justice Ajay Mohan Goel, Judge

Whether approved for reporting?¹ Yes.

For the petitioner:

Mr. Neel Kamal Sharma, Advocate.

For the respondents:

Mr. Pushpinder Jaswal, Additional Advocate General.

Ajay Mohan Goel, Judge:

By way of this writ petition, the petitioner has, *inter alia*,
prayed for the following reliefs:-

“(i) That the impugned letter as contained in Annexure P-17 dated 09.08.2023 and the letter as contained in Annexure P-19 dated 05.10.2023 may kindly be quashed and set aside.

(ii) That the respondents may kindly be directed to examine the case of the petitioner strictly in accordance with Rule 8(3) of the H.P. House Allotment Rules, 1994 and the respondents may further directed not

to misinterpret the Rule 8(3) of the H.P. House Allotment Rules, 1994 with respect to same station.

(iii) That the respondents may kindly be directed to allow the petitioner to retain the Government accommodation allotted to him keeping in view the fact that the wife of the petitioner is presently posted as Principal in Govt. Sr. Sec. School Dangri, District Hamirpur, H.P.”

2. The case of the petitioner is that he was initially appointed as a Medical Officer in the year 1994 and in this capacity, he served at various places. On 03.12.2015, he was ordered to be posted as Medical Officer (Health) in Regional Hospital, Hamirpur, District Hamirpur, H.P. Vide Annexure P-1, dated 29.07.2016, on the recommendations of the Departmental House Allotment Committee in its meeting held on 25.07.2016, the petitioner was allotted a Type-IV Departmental Government Accommodation, i.e., Set No. 9 at Hamirpur. Thereafter, in the month of July, 2017, he was transferred to the office of Chief Medical Officer, Shimla against the same post. According to the petitioner, his wife was also in Government service and at the relevant time, she was posted as a Lecturer (Biology) at Government Senior Secondary School Taal, District Hamirpur, H.P. Their child was also studying in S.D. Public School, Hamirpur in 10th Class. As Government Senior Secondary School Taal was just adjacent to District Hamirpur,

therefore, in terms of communication dated 17.09.2017 (Annexure P-2), the petitioner requested the respondent No. 3 for permission to retain the aforesaid Government Accommodation. According to the petitioner, his wife was serving in District Hamirpur and she was promoted against the post of Principal and posted as such in Government Senior Secondary School, Lambloo. Thereafter, she was posted in Government Senior Secondary School, Didura and at the time of filing of the writ petition, she was serving at Government Senior Secondary School, Dangri, District Hamirpur. It is further the case of the petitioner that he submitted an application for retaining the Government Accommodation in terms of Rule 8(3) of the Himachal Pradesh Allotment of Government Residences (General Pool) Rules, 1994. The petitioner submitted a representation on 25.09.2017 vide Annexure P-4 and thereafter, he again requested respondent No. 3 on 12.04.2018 vide Annexure P-5 and he had also sworn an affidavit on 18.07.2019 vide Annexure P-6 that his wife was posted as Principal in Government Senior Secondary School, Lambloo, Tehsil and District Hamirpur and that he was not owning any house at or nearby the Station where his wife was posted. According to the petitioner, in terms of Annexure P-7, dated 30.11.2018, Additional Chief Secretary (Health), to the Government of Himachal Pradesh wrote to the Director of Health Services, Himachal Pradesh that the request of the petitioner to retain

the Government Accommodation at Regional Hospital, Hamirpur was examined in consultation with the GAD Department and it was advised that the case of the petitioner be examined as per the provisions of Rule-8(3) of the Himachal Pradesh Allotment of Government Residences (General Pool) Rules, 1994 (hereinafter referred to as 'the 1994 Rules'). Thereafter, vide Annexure P-8, Director of Health Services, Himachal Pradesh directed the Chief Medical Officer, Hamirpur, H.P. to do the needful. Vide Annexure P-9, the petitioner was asked to submit an affidavit that his spouse was in Government Service and posted at the same station, i.e., within 8 Kms. Vide Annexure P-11, dated 13.08.2019, the Chief Medical Officer, Hamirpur, H.P. informed the Medical Superintendent, SLBSGMC & H, Mandi at Nerchowk, District Mandi, H.P. as under: -

".....Please find enclosed herewith the copy of orders received through the Govt. of H.P. & DHS H.P. Shimla in r/o Dr. Narender Kumar as presently acting as Dy. M.S. Ner Chowk Mandi & who was relieved from CMO office Hamirpur on dated 29.06.2017.

It is submitted that Narender Kumar has submitted affidavit that his spouse is working at Lambloo and as per Google Map, Lambloo is 9.4 Kms. far from Hamirpur (copy attached).

So now you are requested to take necessary action to follow direction given in letter stated as above.”

3. This was followed by another communication dated 25.02.2020, Annexure P-12, which reads as under:-

*“.....Subject: Regarding permission for retaining Government accommodation by Dr. Narender Kumar, Medical Officer at R.H. Hamirpur.
Sir,*

Regarding your office Endorsement letter No. HFW/SLBSGMCH/MS/Estt/2018-1425 dated 17/01/2.

On this subject, vide letter number HFW- HMR-Build-House Allotment/2019-23431 dated 20/12/2019 received from the Chief Medical Officer, Hamirpur submitted by you, which has been made available to this office for necessary action and along with this letter, the letter No. Health-A-B (15)-7/2018-Misc dated 30/11/2018 forwarded by the Additional Chief Secretary (Health) Himachal Pradesh which has been made available for further action by the Director Health Services Himachal Pradesh Shimla vide letter no. HFW-H(III)C (3) 14/15 (Accommodation retain) 47476 dated 17-12-2018 vide which this matter has been asked to be settled as per Himachal Pradesh Government Housing Allotment Rule-8(3) of HP Allotment of Government Residences (General Pool) Rules 1994.

In this regard earlier also, vide letter No. Ra.Aa.M. Building/Residence 2017 14874, dated 19.09.2011, you were told that in the present matter, Rule 8(3) of HP

Allotment of Government Residences (General Pool) Rules 1994 does not implement.. Therefore, in this regard, the concerned officer be asked to vacate the Government accommodation.”

4. To cut the controversy short, the petitioner continued to represent for retention of Government Accommodation at Hamirpur, however, in terms of Annexure P-17, dated 9th August, 2023 and Annexure P-19, dated 05.10.2023, he has been called upon to deposit the damage charge amounting to Rs.12,90,959/- from the month of November, 2017 up to the issuance of respective communications and, feeling aggrieved, the petitioner has approached this Court.

5. Learned counsel for the petitioner has argued that in the present case, as the wife of the petitioner was also serving in nearby station and she was also entitled for allotment of a Government Accommodation, therefore, the act of the respondents of not allotting the Government Accommodation which was allotted in favour of the petitioner, to his wife, is bad in law. He submitted that the case of the petitioner being a couple case and as wife of the petitioner was also serving just adjacent to District Hamirpur, the petitioner was entitled to retain the Government Accommodation at Hamirpur. Learned counsel submitted that the petitioner retained the Government Accommodation and is occupying the same till date, as he has been assured by the Department that the same shall be transferred in the name of his wife,

but now, he is being asked to deposit the penal rent, which act of the respondents is not sustainable in law.

6. On the other hand, learned Additional Advocate General argued that the petitioner was allotted a Type-IV Departmental Accommodation while he was posted as a Medical Officer in District Hamirpur in the year 2016. He submitted that the accommodation which was allotted to the petitioner was a 'Dedicated Doctors Residence', which is specifically allotted to Medical Officers and above ranked Officers in the Health Department and the said accommodation was not a 'General Pool Accommodation'. Learned Additional Advocate General further submitted that the petitioner was transferred from Hamirpur to Shimla on 04.08.2017 and he relinquished his charge on 07.08.2017. He submitted that the case of the petitioner was not covered under Rule 8(3) of the 1994 Rules, as the said Rules were not applicable in the instant case, because the accommodation in issue was not a General Pool accommodation, but it was an earmarked accommodation of the Doctors in the Health Department at Hamirpur and being the earmarked accommodation for Doctors, the wife of the petitioner was not entitled for the said accommodation, as she was not a doctor. Learned Additional Advocate General also submitted that the wife of the petitioner remained posted at different Educational Institutions outside the Municipal limits of District Hamirpur, i.e., beyond

8 Kms. He also submitted that the petitioner was called upon to file an affidavit that his wife was posted at the same station where he was. He filed an affidavit on 17.03.2018 as well as on 18.07.2019 deposing therein that his wife was posted at Government Senior Secondary School, Lambloo in District Hamirpur, which station was not the same station, as it was not falling within the Municipality of District Hamirpur. Learned Additional Advocate General also submitted that as at the time when the writ petition was filed, the petitioner was serving as a Deputy Medical Superintendent at Shri Lal Bahadur Shastri Government Medical College Nerchowk, District Mandi, therefore, he was asked to vacate the Government Accommodation at Hamirpur, but he failed to do so and he is still occupying the accommodation without being legally entitled to retain the same and, therefore, he has been rightly asked to pay the penal charges. Learned Additional Advocate General also submitted that after being transferred from Hamirpur, the petitioner was posted in Regional Hospital, Bilaspur and thereafter in Directorate of Health Services, Shimla, H.P., where he had requested for allotment of a Government Accommodation from the Departmental Pool and he was even allotted the Government Accommodation, which was occupied by him on 01.03.2022. The petitioner vacated said residence only after he was transferred to District Mandi as Chief Medical Officer in March, 2023. Learned Additional Advocate General submitted that in these

circumstances, as the act and conduct of the petitioner does not call for any exercise of sympathy from this Court, the petition be dismissed.

7. I have heard learned counsel for the parties and have also carefully gone through the pleadings as well as the documents appended therewith.

8. In the present case, when the petitioner was posted at Hamirpur, he was allotted a Departmental Government Accommodation. The accommodation which was allotted to the petitioner was not a 'Common Pool Accommodation' but was an 'Earmarked Accommodation', which was meant for Medical Officers posted in District Hamirpur. These facts, as have been enunciated in the reply filed by the respondents, have not been rebutted by way of any rejoinder etc. After the transfer of petitioner from Hamirpur and in the light of the fact that he was occupying an accommodation, earmarked for Doctors, he was under a legal obligation to have had vacated the same after expiry of the time, up-to which, he was entitled to retain the same. The wife of the petitioner, not being a doctor, and otherwise also not being entitled for a Type-IV accommodation, in her capacity as a Lecturer, could not have been allotted the accommodation, which was an earmarked accommodation for the Medical Officers or above ranked officers, serving in District Hamirpur. Besides this, the petitioner also could not demonstrate to the contrary

that his wife while serving in District Hamirpur, was not serving outside the Municipal limits of Hamirpur. In fact, what is evident from the pleadings, is that the wife of the petitioner, who is a Principal, has been accommodated by the Education Department, on the fringes of the Town of Hamirpur for the reason best known to the Department. Anyways, this is not the issue before this Court and, therefore, this Court is not making any further observations in this regard.

9. Be that as it may, as observed hereinabove, the petitioner was under legal obligation to have had vacated the Government Accommodation after the expiry of period up to which, he could have retained it, once he was transferred from Hamirpur. His having failed to do so, rendered his possession of the said public premises to be bad in law. Though initially the contention of the petitioner was that he was wanting to retain the aforesaid accommodation, as his son was studying in 10th Class, but the *malafides* on the part of the petitioner are apparent and evident from the fact that as from the year 2016 up to year 2026, he has not vacated the accommodation, which was an earmarked accommodation, meant for Medical Officers and above ranked officers only, serving in Hamirpur. Not only this, it is evident from the reply filed by the State that after his transfer from Hamirpur, the petitioner was posted in Regional Hospital, Bilaspur and thereafter in Directorate of Health Services, Shimla, H.P. and while being posted at

Shimla, he applied for and was allotted a Government Accommodation. This means that while being in unauthorized possession of an earmarked accommodation at Hamirpur, the petitioner applied for another Government Accommodation at Shimla and the Department obliged him.

10. In fact, in the facts and circumstances of this case where the petitioner has been retaining an earmarked accommodation of a Medical Officer for more than a decade, an inquiry has to be initiated against the Officer(s)/Official(s) concerned, who have allowed the petitioner to retain an earmarked accommodation of a Medical Officer for more than a decade, i.e., beyond the period prescribed to retain the same. This demonstrates that the person(s) concerned in the Department were hand in glove with the petitioner, otherwise it would not have been possible for the petitioner to have had retained the accommodation, that too, for a decade.

11. Therefore, this Court directs the Principal Secretary (Health), to the Government of Himachal Pradesh, to initiate an inquiry into this aspect of the matter to find out as to who, in connivance with the petitioner, enabled him to retain the public premises for almost a decade after his being transferred from District Hamirpur. The act of the petitioner, in the peculiar facts of the case, does not behove of a Government servant and, that too, a Senior Government Officer,

holding a responsible post, in the Himachal Pradesh Health Services. The act of the petitioner retaining an earmarked Government Accommodation at Hamirpur, for more than a decade, after his transfer from Hamirpur, has obviously denied the person/persons said accommodation, who legally were entitled for the allotment of that accommodation.

12. All this, coupled with the fact that the petitioner had the audacity to claim and get another Government Accommodation at Shimla while serving there, does not warrant for any interference with the impugned orders, as the respondents have rightly directed the petitioner to deposit the damage charge, as have been mentioned in the impugned orders. In fact, besides said charges, the respondents are also entitled to recover from the petitioner the penal rent or damage charges from the date of unauthorized occupation of the premises till he vacates the same.

13. In the light of the above discussions, as this Court finds no infirmity or illegality with the impugned orders and further as this Court does not find any merit in this petition, the same is dismissed, with costs, assessed at Rs.50,000/-, which shall be deposited by the petitioner with the "Chief Justice Disaster Relief Fund 2025" within four weeks from today.

14. For compliance of this part of the order and further to enable the Principal Secretary (Health), to the Government of Himachal Pradesh, to intimate the Court as to what action has been initiated against the erring Officers/Officials, who colluded with the petitioner, allowing him to retain the accommodation, list on **14th September, 2026**. Pending miscellaneous applications, if any, stand disposed of.

(Ajay Mohan Goel)
Judge

July 29, 2026
(bhupender)