

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

CJ Court

Case: WP(C) PIL No.17/2020

Prof. S. K. Bhalla

..... Petitioner(s)

Through :- Mr. S. S. Ahmed, Advocate with
Ms. Supriya Chauhan, Advocate.

v/s

Union Territory of J&K and others

.....Respondent(s)

Through :- Mr. S. S. Nanda, Sr. AAG

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE PUNEET GUPTA, JUDGE

ORDER

31.05.2023

1. We have perused the report submitted in a sealed cover. This report is kept in a sealed cover again. The report, however, does not address the issue which has been raised before this Court, as to whether a person who is entitled to security cover would also be entitled to Government accommodation as these are the two separate issues.
2. Mr. S.S.Ahmed, learned counsel appearing on behalf of the petitioner has also submitted before this Court regarding the decision of this Court rendered on 26.12.2022 in CM Nos. 7467/2022 & 7468/2022 in WP (C) PIL No. 17/2020, whereby it has been clearly held that the security assessment and entitlement to Government accommodation are two different issues and cannot be intermingled. Thus, the inference can be drawn is that while because of certain threat perception security cover can be granted to a person, it is not necessary that the person has to be provided the Government accommodation also, which was also the stand of the Administration in the aforesaid case. It was submitted that there is

no requirement in law for the government to provide accommodation as well to a person who is being provided a security cover. Further, even if accommodation was required to be provided in exceptional circumstances, the accommodation to be provided to a former Chief Minister/Minister or a retired bureaucrat cannot be the same after his ceasing to occupy the office as he was occupying when he was in office. The relevant portion of para (8) of the order dated 26.12.2022 passed in CM Nos. 7467/2022 & 7468/2022, reads as under:-

“8. We have carefully gone through all the communications, referred by learned Sr. Counsel appearing for the applicant and there is nothing to suggest that persons occupying the Government accommodations can be evicted only after the review/ re-assessment of their threat perceptions. As a matter of fact, this Court vide order dated 05.12.2020 has clarified this position in paragraphs 3 and 4 of the said order which reads thus:

“3. In response to our query, we are informed that there is no requirement in law for the government to provide accommodation as well to a person who is being provided a security cover.

(4) In any case, even if accommodation was required to be provided in exceptional circumstances, the accommodation of a former chief minister/minister or a retired bureaucrat cannot be the same after his ceasing to occupy the office as he was occupying when he was in office.””

3. The report which has been submitted before us does not show any reason why the persons have been given the official accommodation, though they may require security cover.

4. We, therefore, would like to know from the Administration as to the nature of the accommodation provided to these persons and the reasons for doing so by the next date.
5. List on 19.07.2023.

(PUNEET GUPTA)
JUDGE

(N.KOTISWAR SINGH)
CHIEF JUSTICE

JAMMU
31.05.2023
Pawan Chopra

