



CWP-869-2016 (O&amp;M)

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**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

(223)

CWP-869-2016 (O&M)  
Date of Decision : 19.08.2025

K.S. Ghuman

...Petitioner

Versus

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Kanwaljit Singh, Sr. Advocate with  
Mr. Atul Goyal, Advocate for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

Mr. Rajesh Punj, Advocate and  
Mr. Sahaj Punj, Advocate  
for the applicant in CM-12244-CWP-2016.

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**KULDEEP TIWARI, J.(ORAL)****CM-12244-CWP-2016**

Learned counsel for the applicant/intervenor, seeks permission to withdraw the instant application for impleadment.

**Dismissed as withdrawn.**

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1. The petitioner was served with a notice to pay the penal rent of Rs.26,30,111/-, along with interest. This penal rent was imposed upon the petitioner, on account of his over stay on the government residential house, allotted to him in Ludhiana city, for the period 24.04.2004 to 31.12.2005.
2. By filing the instant petition, cast under Articles 226/227 of the Constitution of India, a prayer is made to set aside the orders dated 08.12.2005 (Annexure P-5), 28.05.2008 (Annexure P-13), 22.07.2013 (Annexure P-22),

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17.12.2013 (Annexure P-24), 14.07.2017 (Annexure P-31), and 27.11.2015 (Annexure P-35), wherein, the penal rent was imposed upon the petitioner.

3. The main ground, upon which the challenge is thrown to the orders (*supra*), is that the administrative order, through which the petitioner was transferred, and posted to different place, entitles him to retain the government house in Ludhiana city as well, and the said orders have never been considered by the competent authorities concerned, while imposing the penal rent.

4. Before this Court, embark upon the submissions as made by the learned senior counsel for the petitioner, it is apt at this stage, to have glimpse upon the necessary facts, *qua* which there is no dispute between the parties concerned.

5. The petitioner was appointed as a District Commandant, in Punjab Home Guards, Ludhiana, in the month of May, 1997. He was allotted a Govt. House No.79/B, Rakh Bagh, at city Ludhiana, vide allotment letter dated 05.06.1997 (Annexure P-1). Thereafter, he was promoted to the post of Battalion Commandant, Mohali, vide order dated 30.01.2004 (Annexure P-2). Upon his promotion, he was also given an additional charge to supervise the work at District Commandant, Ludhiana.

6. The order of promotion was in fact, given effect on 24.03.2004. Thereafter, the petitioner was promoted to the post of Divisional Commandant, Patiala, on 11.11.2004 (Annexure P-3).

7. Subsequently, the DGP-cum-Commandant General, Punjab, vide its administrative order dated 31.01.2005 (Annexure P-4), considering the nature of work and administrative exigencies i.e. Ludhiana, being a large district, and considering the extra supervision work of Home Guards and Civil



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Defense work, as required, a special permission was granted to have occasional camp office at Ludhiana. This permission, was however, subject to the condition that the petitioner would not be entitle for any additional allowance. The petitioner has retained the house uptill 31.12.2005. Meanwhile, vide order dated 08.12.2005 (Annexure P-5), first notice *qua* demand of penal rent was served upon the petitioner, wherethrough, the petitioner was asked to deposit Rs.33,22,677/-. This huge penal rent, which was imposed upon the petitioner, propelled him to file a detailed representation before the Chief Secretary, Govt. of Punjab, on 06.09.2006. The said representation was marked to the Deputy Commissioner concerned, who after considering the facts regularized some of the period default, which is extracted in tabulated form as under :-

<i>Sr. No.</i>	<i>Reason</i>	<i>Rule</i>	<i>Time Period</i>
1.	<i>Due to transfer from Ludhiana on 24.03.04</i>	<i>At normal rent under 10(2)</i>	<i>From 25.03.04 to 24.05.04</i>
2.	<i>Due to study of children at Ludhiana</i>	<i>At double normal rent under 10(5)</i>	<i>4 months (from 25.05.04 to 24.09.04).</i>

8. Thereafter, the petitioner again made a detailed representation to various authorities, to consider his posting order, which according to the petitioner, entitle him to retain the government house in Ludhiana city.

9. Learned senior counsel for the petitioner, in an attempt to throw challenge to the impugned orders (supra), would submit that DGP-cum-Commandant General, Punjab Home Guards, and Director, Civil Defense, Punjab, vide its recommendation dated 21.10.2013, made to the Department of Home, has specifically recommended that the period of default is to be regularized, on account of the fact that the petitioner was given permission to make camp office at Ludhiana, for official work. However, this



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recommendation, and the order of posting and promotions, which establish the entitlement of the petitioner to retain the allotted government house at Ludhiana, has never been considered, and whereas, the liability upon the petitioner, to pay the penal rent of Rs.33,22,677/-, has erroneously been fastened.

10. On the other hand, Mr. Sahil R. Bakshi, learned Assistant Advocate General, Punjab, has vociferously opposed the submissions made by the learned senior counsel for the petitioner. He submitted that the petitioner is required to pay the penal rent, in terms of Rule 19 of the Punjab Government Houses (General Pool) Allotment Rules, 1983. He further draws the attention of this Court, towards the Annexure R-2, which is the market rent, as fixed by the Executive Engineer, Provisional Division Ludhiana, which according to the respondent/State, is the basis to calculate the penal rent, and therefore, the petitioner cannot run from his liability to pay, merely, on the ground, that his representation has not been considered. He also submits that the order passed by the Chief Secretary, Govt. of Punjab, is a self speaking order, and the same was passed, in terms of the directions issued by this Court, in CWP-21796-2010, and there is no perversity or illegality in the said order, requiring any interference of this Court.

11. This Court has given due consideration to the submissions, as made by learned counsel for the parties concerned, and has also perused the paper book of the instant petition.

12. The relevant posting order is of 30.01.2004 (Annexure P-2), wherethrough, at the time of promotion, the petitioner was also given the additional charge to supervise the work as District Commandant, Punjab Home Guards, Ludhiana, is relevant for adjudication of the instant matter. The



relevant part of the promotional order is extracted hereinafter:-

*“2. After promotion, Sh. Kultaran Singh Ghumman is posted as Commandant, CTI, Mohali against Sh. Tejinder Singh, Dy. Commandant General, who is presently holding the Charge of this post. Besides, he (Sh. Ghumman) will also supervise the present work of Distt. Commander, Punjab Home Guard, Ludhiana.”*

***(emphasis supplied)***

13. Further, on promotion to the next cadre as Divisional Commandant, Patiala, it was the case, set up by the petitioner, that being the Divisional Commandant, he was entitled to retain the government house at Ludhiana, since it was a part of the Patiala Division. Much emphasis was laid upon the order dated 31.01.2005 (Annexure P-4), wherethrough, special permission was granted by the DGP-cum-Commandant General, Punjab, to the petitioner to establish camp office at Ludhiana. The relevant extract of the said permission, is reads as under :-

*“As per domestic compulsions mentioned in your aforesaid letter, retaining in view complaints received from Govt. of India and Govt. of Punjab about the civil defense work of Dist Ludhiana and Ludhiana being a large district, there is need of supervision of Home Guards & Civil Defense work, you are given permission to have occasional camp office at Ludhiana. But no additional allowance will be paid and no additional financial burden on Govt. The efficiency of work of Patiala division shall be kept in view.”*

***(emphasis supplied)***

14. After considering all these facts, the competent authority concerned, i.e. DGP-cum-Commandant General, has apprised all these facts to the Department of Home, vide order dated 21.10.2013 (Annexure P-21),



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wherethrough, he categorically observed that the penal rent, which is sought to be recovered from the petitioner, is inappropriate, and again made a request to dispense with the recovery of the penal rent. The relevant is extracted hereunder:-

*“The said Govt. house was retained by Sh. K.S. Ghuman, Dy. Commandant General due to aforesaid official and compulsive domestic circumstances. Therefore, recovery of penal rent from the officer is not appropriate. Therefore, it is again requested to you that penal rent recovery of Rs.26,30,111/-, may be dispensed with.”*

15. Unfortunately, none of these facts was found to be considered in the speaking order dated 22.07.2013 (Annexure P-22), as passed by the Chief Secretary, Punjab. It is apposite to mention here that the speaking order (supra), was passed upon a *mandamus* issued by this Court in Civil Writ Petition No.21796 of 2010, preferred by one, Mr. Daljeet Singh Grewal, who was working under the petitioner, as a junior officer. He stated to have fought a legal battle with the petitioner *qua* the seniority, and subsequently, he became senior to the petitioner. In his attempt to settle the personal score, he made various complaints, including filing of the instant writ petition, before this Court, and he did not stop there. Even, he filed an application of intervenor, bearing CM-12244-CWP-2016. However, the same has already been dismissed as withdrawn. This Court has also perused the speaking order passed by the Chief Secretary, Govt. of Punjab. All these necessary orders, in the considered opinion of this Court, ought to have been considered, before imposing the liability of penal rent, upon the petitioner. Unfortunately, the same has not been considered.



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16. In view of the above, this Court is of the considered opinion that this issue requires afresh decision by the competent authority concerned, amongst the respondents, i.e the Chief Secretary, Punjab, who after considering the entire above noted facts, shall re-consider the issue. Further, shall also consider the fact that the petitioner, after obtaining the age of superannuation, has now, completed his service period.

17. Let this exercise be carried out within a period of six month from the date of receipt of certified copy of this order. Consequently, the impugned orders (supra), are hereby **set aside**, and the instant writ petition is **disposed of** with the aforesaid directions.

**(KULDEEP TIWARI)**  
**JUDGE**

August 19, 2025  
Manpreet

Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No