



**206-1 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Date of Decision: 06.08.2025

1. CWP-7726-2019

Gursharan Singh Rosha (Deceased) Through LRs

...Petitioner

Versus

Chandigarh Housing Board and Another

...Respondents

2. CWP-18692-2014 (O&M)

Gursharan Jit Singh Rosha (Deceased) Through LRs

...Petitioner

Versus

Chandigarh Housing Board and Others

...Respondent

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Rajiv Kataria, Advocate
for the petitioner.

Ms. Deepali Puri, Advocate
for respondent No.1-Housing Board in both cases.

Mr. Kunal Mulwani, Additional Standing Counsel
for respondent No.2 in **CWP-18692-2014**.

JAGMOHAN BANSAL, J. (ORAL)

1. As common issues are involved in the captioned petitions, with the consent of both sides, the same are hereby disposed of by this common order. For the sake of brevity and convenience, facts are borrowed from **CWP-7726-2019**.

2. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of action of

respondent in deducting the license fee to the tune of Rs.5,28,801/-.

2. The petitioner-Gursharan Singh Rosha has passed away and his legal representatives are on record. He joined respondent as Sub Divisional Officer (Civil) in 1978 and retired on 29.02.2012 on attaining the age of superannuation of 58 years. The respondent on account of departmental proceedings withheld his retiral dues. He preferred **CWP No.18692 of 2014** before this Court. On 12.07.2016, the following order was passed:

“The learned counsel for respondent No. 1 has placed on file the photocopy of the order dated 11.7.2016, showing that a cheque for leave encashment, amounting to Rs. 11,12,100/-, has been sent to the petitioner. The photocopy of the order, vide which the payment on account of leave encashment has been supplied to the Court. The petitioner can collect the photocopy of the order and encash the leave encashment.

Now, the petitioner claims the following other amounts :-

- (i) Interest on the delayed payment of leave encashment;*
- (ii) Gratuity;*
- (iii) Increments;*
- (iv) TA bills; and*
- (v) Pension*

The learned counsel for respondent No. 1 has further undertaken that the payment of gratuity is also under process. The order in this regard will be shortly issued, the moment the requisite forms are submitted by the petitioner.

The petitioner is accordingly directed to approach the office of respondent No. 1 and complete the formalities, subject to the claim of interest for delayed payments.

Similarly, regarding the increments, it is stated that the matter is being processed and the order in this regard

will be issued shortly.

Regarding the TA bills, it is stated that no TA bills have been received by respondent No. 1.

Let respondents file the affidavit of respondent No. 2-Home Secretary that no such TA bills were submitted by the petitioner during his service.

Regarding the pension, it is stated that the pension scheme was approved in the year 2009 by the Board i.e. before the retirement of the petitioner, but the approval has so far not been accorded by the Administrator and the matter is now pending with the Union of India.

The petitioner claims that respondent No. 1 is an autonomous body and no such approval is required.

Let the respondents place on file the necessary rules or the guidelines, which require that in such case, the approval of the Administrator or the Union of India is required.

List on 29.8.2016, when another matter i.e. CWP No. 816-2015 is stated to be pending.”

3. During the pendency of aforesaid writ petition, the respondent released petitioner's gratuity, however, deducted a sum of Rs.5,28,801/- on account of delayed vacation of residential accommodation. The petitioner retired on 29.02.2012 and was bound to vacate residential accommodation by 29.06.2012. He actually vacated accommodation in March' 2013. He overstayed for a period of almost 08 months. On account of overstay of 08 months, the respondent has charged 50 times of normal license fee besides interest @ 12%. The interest was not only charged on normal license fee but also penal license fee. The payment of gratuity was released as soon as respondent got clearance from Vigilance Department.

4. Ms. Deepali Puri, Advocate submits that as per her instructions, the petitioner has already paid leave encashment and gratuity along with interest. No TA Bill was pending and there is no provision of pension in Housing Board. There is no employee of the Housing Board who is getting pension, thus, there was no question of pension to the petitioner. The respondent has charged Rs.5,28,801/- on account of overstay. As per Board's circular, employees are liable to pay 50 times of normal license fee if they retain house after retirement beyond the permissible period. They are also liable to interest @ 12% per annum accordingly. The respondent has charged principle to the tune of Rs.3,61,000/- and interest to the tune of Rs.1,66,000/-.

5. I have heard learned counsel for the parties and perused the record with their able assistance.

6. From the perusal of record and as per statement of Ms. Deepali Puri, Advocate, the petitioner has already been paid leave encashment and gratuity along with interest. The gratuity was released after deducting license fee. The respondent has charged Rs.5,28,801/- as license fee for overstay of 08 months. The petitioner has passed away. The amount of license fee which includes penalty and interest seems to be exorbitant. The petitioner's gratuity was withheld which was ultimately paid in 2016. He was entitled to pay normal interest on the said amount whereas respondent has charged 50 times of normal license fee for 08 months of overstay.

7. Considering the facts and circumstances, this Court finds it appropriate to reduce amount of overstay charges from Rs.5,28,801/- to Rs.2,00,000/-. The respondent shall refund remaining amount within two

months from today.

8. ***Disposed of.***

9. This order shall not be treated as precedent.

**(JAGMOHAN BANSAL)
JUDGE**

06.08.2025

Prince Chawla

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No