

**Court on its own motion Vs. State of H.P. & Others.
CWP No.8324 of 2023**

**Item No. (D-20)
24.04.2025**

Present: Court on its own motion.
Mr. Anup Rattan, Advocate General, with
Mr. Rakesh Dhaulta, Mr. Pranay Pratap
Singh, Additional Advocates General,
Ms. Priyanka Chauhan and Mr. Sidharth Jalta,
Deputy Advocates General, for respondents-
State.

It is brought to our notice that six bungalows
were constructed at Harvington Estate exclusively for High
Court Judges.

We have been informed that Bungalow No.3 is
in occupation of Sh. P.C. Gupta, Additional Director
(Environment Science & Technology)/Chief Engineer, H.P..
Pollution Control Board and earlier it was allotted to his
wife Smt. Rachna Gupta, who was however, Member of
the Himachal Pradesh Public Service Commission
(HPPSC) and is State Level Accredited Journalist, H.P.

Reference can also be made to Annexure P-5,
filed by the State wherein the details of the other houses in
Harvington Estate except Bungalow No.3, have been
given.

The Registrar General, Himachal Pradesh
High Court, Shimla has already communicated to the
Principal Secretary (GAD) to the Government of Himachal
Pradesh, Shimla vide communication dated 25.11.2024,
regarding the restoration of the house, which was replied
on 07.12.2024.

The matter had been considered by the Full Court of this High Court and accordingly, communication was sent to the said occupant i.e. on 13.12.2024 to vacate the house at the earliest and in any event, by 31.12.2024.

The State again asked for re-consideration of the said order vide communications dated 31.12.2024 and 13.01.2025. The Registrar General again communicated to the Principal Secretary (GAD) on 24.01.2025 to the Government of Himachal Pradesh, Shimla to get the Bungalow vacated and handover the keys of the said Bungalow to the Registry of this Court, but there is non-compliance.

It is a matter of record that in view of Section 28-A of the High Court Judges (Salaries and Conditions of Service) Act, 1957 every person appointed as a Judge shall be entitled to a furnished residence through out his/her terms of office without payment of rent. The State is under statutory duty to provide the requisite number of houses to this Court which is apparently lacking.

Having a person, who is not from the judicial side in occupation of the house in the same estate not only creates security issues but also leads to all sort of persons coming to the said Estate which is not warranted, keeping in view the constitutional office, the judges occupy.

In such circumstances, let Status report be filed as to when the house in question will be handed over to the Registrar General of this Court, keeping in view the fact that other five houses are already in possession of this Court out of which two are already occupied by the Sitting Judges of this Court.

List on **14.05.2025**.

(G.S. Sandhawalia)
Chief Justice

(Ranjan Sharma)
Judge

24th April, 2025
(munish thakur)