

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

OWP No. 1118/2015

Date of Pronouncement : 20.01.2026
Uploaded on : 22.01.2026

Hari Krishan Kichloo

.....Petitioners

Through: Mr. Abhinav Sharma, Sr. Advocate with
Ms. Saba Atiq, Advocate

Vs

Union of India & Ors.

.....Respondents

Through: Mr. R.S. Jamwal, AAG

CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE
JUDGMENT (ORAL)

- 01.** The petitioner came up with the present writ petition filed on 18.08.2015 by a purported cause of action relatable to charging of rent against him with respect to use and occupation of official accommodation held by the petitioner on account of his employment in Defence Accounts Department as Senior Auditor wherefrom he superannuated on 31.03.2010 while posted in Defence Pension Disbursing Officer (DPDO), Satwari, Jammu.
- 02.** In connection with his employment in the service, the petitioner was holding accommodation of **Quarter No. 315-D (Type-C)** in the residential complex of respondent No. 3-

Principal Controller Defence Accounts (Northern Command), Narwal Pain, Satwari, Jammu.

- 03.** On account of his retirement, the petitioner was entitled to retain said allotted quarter up to two months and thereafter in the event of non-vacation to be charged with the normal license fee for the next two months and thereafter twice the normal license fee for the next two months and lastly four times the normal license fee so on so forth.
- 04.** The petitioner, on account of being a Kashmiri Pandit having suffered migration from Kashmir Valley and having no residential house of his own in Jammu or any other part of India, continued to stay in the quarter accommodation so allotted to him on account of his service status by paying the rent at the prescribed rate till eight months post his retirement.
- 05.** The petitioner had solicited the indulgence of respondent No. 3 for allowing the petitioner to continue to be in use and occupation of the said official accommodation post his retirement which request of the petitioner suffered negation on the ground that there was no provision for any such retention to a retiree government employee beyond eight months of retirement.
- 06.** The petitioner was subjected to an order of eviction under Public Premises **(Eviction of Unauthorized Occupants)**

Act, 1988 against which the petitioner preferred a statutory appeal before the court of learned Additional District Judge, Jammu which appeal was disposed of on the technical ground that the appealable order dated 28.12.2010 was not qualifying to be an order under section 5 of the aforesaid Act.

- 07.** Similarly placed Kashmiri Pandits retirees had also assailed identically issue eviction direction/order passed against them in relation to which writ petitions **OWP No. 1581/2012 and OWP No. 1617/2012** came to be preferred before this Court which resulted in orders for accommodating the petitioners in the said two writ petitions.
- 08.** The compliance of the writ court orders in said two petitions was carried out at the end of the writ respondents therein which include the present respondents in the writ petition.
- 09.** On the parity of the treatment as accorded to the writ petitioners in the said two writ petitions, the petitioner came forth that his case cannot be treated on different footing in the matter of being charged license fee with respect to post retirement retention and use and occupation of the quarter in reference which came to be ultimately vacated by the petitioner on 04.02.2013.

10. The cause of action accrued when the petitioner's pension came to suffer deduction purportedly on account of recovery of license fee/rent as damage rent w.e.f 01.12.2010 to 31.12.2012 at the rate of Rs. 9555/- per month for 25 months totaling **Rs. 2,39,295/-**.
11. It is against the aforesaid recovery that the petitioner has come forward assailing the rent bill No. **6168/2013** aiming to recover the amount of **Rs. 2,39,295/-** in total. The petitioner has solicited a writ of mandamus unto the respondents to consider his case in parity with the case of **Sh. C.L. Raina and Harbans Lal**, who were the writ petitioners in said two writ petitions being **OWP No. 1581/2012 and OWP No. 1617/2012**.
12. Upon the institution of this writ petition, this Court, by virtue of an order dated **31.08.2015**, had restrained the respondents from effecting any recovery from the monthly pension of the petitioner.
13. This Court sees no purpose for retaining this writ petition any longer in view of the innocuous nature of the prayer being made by the petitioner that the writ respondents be directed to consider his case in parity with that of **C.L. Raina and Harbans Lal** as he is also similarly placed with respect to use and occupation of an official accommodation post retirement.

14. This writ petition is thus, **disposed of** with a direction unto the respondent No. 3- Principal Controller Defence Accounts (Northern Command), Narwal Pain, Satwari, Jammu, to consider the case of the petitioner with respect to recovery of rent for the aforesaid period at the same rate as was applied to the case of **C.L. Raina and Harbans Lal** and then to pass a reasoned order be it in favour or against the petitioner for enabling the petitioner to act accordingly be it in compliance to the consideration order or to legal course of action if adverse to him.
15. Till the consideration of the petitioner's case to be so granted by the respondent No. 3, there shall be no deduction of any amount whatsoever from the monthly pension of the petitioner for effecting purported recovery of the arrears of damaged rent against the petitioner.
16. This writ petition is accordingly, **disposed of**.
17. The detailed order is following the order dated 08.02.2023 vide which the writ petition was ordered to be disposed of as is hereby being done.

(RAHUL BHARTI)
JUDGE

JAMMU
20.01.2026
SUNIL

Whether the order is speaking ? : Yes/No
Whether the order is reportable ? : Yes/No