

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Civil Writ Petition No. 9525/2020

Dr. Omprakash Bakoliya S/o Late Shri Ram Lal Bakoliya, Aged
About 54 Years, R/o 13, Ambedkar Nagar, Imli Phatak, Jaipur.

----Petitioner

Versus

1. State Of Rajasthan, Represented Through Principal Secretary, Medical And Health (Education), Government Of Rajasthan, Government Secretariat, Jaipur.
2. The Principal, Sms Medical College And Controller Attached Hospitals, Jaipur.
3. Medical Superintendent, S.r. Goyal Medical Hospital, Sethi Colony, Jaipur.

----Respondents

For Petitioner(s)	:	Mr. R.N. Mathur, Senior Adv.
For Respondent(s)	:	

HON'BLE MR. JUSTICE ASHOK KUMAR GAUR

Order

02/09/2020

Learned counsel for the petitioner submitted that the petitioner was transferred in the year 2010 from Community Health Care, Dug, Jhalawar to Satellite Hospital, Sethi Colony, Jaipur.

Learned counsel submitted that the petitioner had submitted an application for allotment of house as per Rules and had also made it clear that he was living separately with his parents in a rented house and he was not staying with his wife who was allotted a house being an employee of Reserve Bank of India.

Learned counsel submitted that on the basis of information supplied by the petitioner, house rent allowance was allowed to

him for last more than 10 years and now by the impugned order dated 19.2.2020 the respondents have ordered for recovery of rent which was duly paid and apportioned by the petitioner.

Learned counsel further submitted since no information was concealed by the petitioner from the authority, there was no question of committing any misconduct, for which even departmental enquiry can be initiated against him.

Learned counsel further submitted that the relevant Rule i.e. House Rent Allowance Rules dated 03.10.1989 (Annex.12) allows husband and wife both to get House Rent Allowance and the petitioner since residing in a separate house from his wife, cannot be treated to be ineligible to get the House Rent Allowance.

Issue notice of the writ petition and the stay application as well, returnable on 20.10.2020.

In the meanwhile, respondents are restrained to make any recovery from the salary of the petitioner. The respondents are further restrained to take any coercive action against the petitioner including initiation of disciplinary proceedings.

(ASHOK KUMAR GAUR),J