



2026:AHC-LKO:42194-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - C No. - 4815 of 2026

Vishwendra Kumar @ Vishwendra Kumar Singh

.....Petitioner(s)

Versus

U.O.I. Thru. Secy. Ministry Of Science And
Technology New Delhi And 5 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Sumit Kumar Srivastava, Pranshu Agrawal
Counsel for Respondent(s)	: A.S.G.I., C.S.C., Dharmendra Kumar Dixit

Court No. - 2

**HON'BLE MANISH MATHUR, J.
HON'BLE ZAFEER AHMAD, J.**

1. Heard learned counsel for petitioner, Mr. Harsh Tripathi, Advocate holding brief on behalf of Sri Dharmendra Kumar Dixit, learned counsel for opposite parties no.2 to 5 and learned State Counsel for opposite party no.6.

2. Petition has been filed challenging order dated 06.04.2026 whereby petitioner's representation against the demand of penal rent amounting to Rs.36,39,830/- with regard to premises in question has been rejected.

3. Further concomitant prayer has also been made.

4. At the very outset, learned counsel for opposite parties no.2 to 5 has raised a preliminary objection with regard to the maintainability of this petition in view of the fact that the Council of Scientific and Industrial Research (CSIR) is notified before the Central Administrative Tribunal, Lucknow, which

alone is the court of first instance where original application should have been filed.

5. Learned counsel for petitioner in response submits that since the petitioner is not an employee of the CSIR, he is not entitled to submit any original application before the Central Administrative Tribunal, Lucknow.

6. Learned counsel for the parties admit that petitioner is not an employee of the CSIR and the impugned order has been passed with regard to imposition of penal rent for Staff Quarter which was allotted to the deceased wife of the petitioner.

7. In such circumstances, in the considered opinion of this Court, since petitioner is not an employee of the CSIR, the present petition before this Court under Article 226 of the Constitution of India would be maintainable without taking recourse to any alternative remedy.

8. The petition is therefore held to be maintainable and the preliminary objections raised by the respondents stands rejected.

9. Learned counsel for the petitioner submits that the Staff Quarter No.C-29, CDRI Colony, Lucknow was allotted to the wife of petitioner who passed away. An FIR was lodged against the petitioner under B.N.S and Dowry Prohibition Act, and he remained incarcerated until 30.09.2005. It is further submitted that as is evident from the impugned order itself, after demise of his wife, the said premises was allotted to the father-

in- law of petitioner who was in possession thereof from 10.04.2022 till 04.05.2023 and rent for the aforesaid period was also paid by him. It is further submitted that the premises was never allotted or was in possession of the petitioner at all and therefore, he is not liable for any penal rent with regard to the said premises.

10. Learned counsel for opposite parties no.2 to 5 in response thereto has indicated letter dated 24.11.2022 and 27.06.2023 sent by the petitioner to the authorities of the CSIR indicating that since valuables of the petitioner were kept in the aforesaid premises, possession should not be transferred to third party and it is on account of such statement made in the letters that no third party interest was created, nor was possession transferred to the any other person and therefore in such circumstances, the petitioner who would be liable for making payment of penal rent.

11. Prima-facie submission advanced by learned counsel for the petitioner have force and require consideration particularly in view of the admitted situation that the aforesaid premises were never allotted to the petitioner nor was he given possession over the said property and on the contrary despite the aforesaid letters, possession was in fact transferred to his father- in- law.

12. Learned counsel for answering opposite parties has not been able to indicate any provision of law whereby such recovery can be initiated from the petitioner.

13. In view of aforesaid, the opposite parties are granted four weeks time to file counter affidavit.

14. List this case in the week commencing 03.08.2026.

15. Until further orders, it is directed that no recovery shall be initiated or made from the petitioner in pursuance of any allotment of Staff Quarter No.C-29, CDRI, Colony, Lucknow.

16. However, in view of the aforesaid aspects, the petitioner is directed to cooperate with the authorities for removal of his valuables and other material from the premises so that it may be allotted to any other deserving employee of the Organization.

(Zafeer Ahmad,J.) (Manish Mathur,J.)

June 29, 2026

Shahnaz