



2026:AHC:41821

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 368 of 2026

Harishchandra

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Deo Prakash Singh
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri D.P. Singh, learned counsel for the writ petitioner and Sri Rahul Malviya, learned Standing Counsel for the State.

2. The case of the writ petitioner is that while the writ petitioner was posted as Head Jail Warder in District Jail, Varanasi, the writ petitioner was placed under suspension on 01.05.2025 and he was attached in District Jail Mirzapur and an Inquiry Officer stood appointed against the writ petitioner. However, during the pendency of the inquiry proceedings, the writ petitioner came to be transferred on 14.06.2025 from Varanasi to Fatehgarh. The same was subject matter of challenge in Writ-A No.8684 of 2025, Harishchandra vs. State of U.P. which came to be disposed of on 03.07.2025 requiring the writ petitioner to prefer a representation. Thereafter, the representation so preferred by the writ petitioner came to be rejected on 05.08.2025 which has been challenged in Writ-A No.12425 of 2025, Harishchandra vs. State of U.P. which is pending before this Court. However, according to the writ petitioner, though post-transfer to Fatehgarh, the writ petitioner has joined the transferred place, but the residential accommodation which was allotted to the writ petitioner in Varanasi is still in occupation of the family members and now the order impugned has been passed on 05.12.2025 by the Jail Superintendent, District Jail, Varanasi seeking to recover an amount of Rs.50840/- from the writ petitioner as penal rent, despite the fact that though the writ petitioner stood transferred on 14.06.2025 to Fatehgarh and a notice was issued on 07.08.2025 followed by other notices dated 06.10.2025 and 22.10.2025, but the writ petitioner has not vacated the accommodation.

3. Questioning the order dated 05.12.2025, the present petition has been

preferred.

4. This Court entertained the writ petition on 16.01.2026, while seeking the instructions from learned Standing Counsel. Today, Sri Rahul Malviya has produced the instructions under the signature of Jail Superintendent, District Jail, Varanasi dated 22.02.2026. Learned counsel for the writ petitioner has submitted that once the order transferring the writ petitioner on 14.06.2025 from Varanasi to Fatehgarh is already subject matter of challenge in Writ-A No.12425 of 2025, and also the fact that before the transfer of the writ petitioner on 14.06.2025 from Varanasi to Fatehgarh, the writ petitioner was placed under suspension on 01.05.2025 and attached and thereafter the inquiry stood conducted against the writ petitioner thus the impugned order cannot be sustained and the same cannot be made a basis of making recovery of the amount with regard to the retention of the official accommodation in district Varanasi. Contention is that in the departmental proceeding, the inquiry stood conducted and the inquiry report was submitted and a show cause notice was issued to the writ petitioner on 25.11.2025 and the writ petitioner tendered his reply on 14.12.2025. Submission is that despite the fact that the writ petitioner has not been granted official accommodation in District Fatehgarh, thus in view of the Government Order dated 21.11.2016, the writ petitioner is entitled to retain the quarter at Varanasi. Reliance has also been placed upon an interim order passed in **Writ-A No.2312 of 2025 Awadhesh Kumar Yadav vs. State of UP and others** as well as the order passed in **Writ-A No.16812 of 2008, Abdul Latif vs. State of U.P.**

5. Sri Rahul Malviya, learned Standing Counsel on the other hand submitted that though the writ petitioner came to be transferred on 14.06.2025, and the said transfer order was challenged, but there is no interim order staying the transfer order as the writ petitioner had joined the transferred place, but he has not filed any application for allotment of quarter in Fatehgarh and he cannot in infinity claim retention of the quarter at Varanasi. He further submits that on 03.11.2025 already the LPC has been granted to the writ petitioner.

6. I have heard the submissions so raised across the Bar and perused the record.

7. Apparently, the order dated 05.12.2025 seeking to recover the damage penal rent of Rs.50840/- is under challenge. It is not in dispute that on

14.06.2025, the writ petitioner stood transferred from Varanasi to Fatehgarh. Though in Writ-A No.2648 of 2025 decided on 03.07.2025, a liberty was accorded to the writ petitioner to represent his cause for representation of the transfer, the request stood negated on 05.08.2025 and the said order is subject matter of challenge in Writ-A No. 12425 of 2025 and there is no interim order. The writ petitioner claims to have joined the transferred place. Importantly, once the writ petitioner joined the transferred place, then he cannot retain the official accommodation in that regard. Moreover, there is nothing on record to show that the writ petitioner has been allowed to retain the aforesaid quarter post transfer. Learned Standing Counsel submits that on 03.11.2025, LPC has also been issued. Might be as per the writ petitioner, the transfer order was punitive in nature, but the same is not subject matter of challenge in the present proceedings, but in the pending writ petition, which the writ petitioner is to contest. Apart from the same, there is nothing on record to show that there is any approval was accorded by the respondents on the request made by the writ petitioner, that he has not been allotted any quarter at Fatehgarh and any Government Order so entitling him to retain the quarter, particularly when he stood transferred way back on 14.06.2025.

8. Accordingly, interference is declined. The writ petition stands **rejected**.

February 24, 2026

N.S.Rathour

(Vikas Budhwar,J.)