

No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			WPMS No. 2094 of 2017 <u>Hon'ble Manoj Kumar Tiwari, A.C.J.</u> (1) None present for the petitioner. (2) Mr. Rajesh Pande, learned Standing Counsel for the State of Uttarakhand. (3) Petitioner is serving as Junior Assistant in the Office of Chief Development Officer, District Nainital. He applied for allotment of residential accommodation, however, he could not get any accommodation, while Mr. Anand Singh Rawat and Jai Krishna Kandpal (respondent no. 4) were allotted Type-II residential accommodation at Tallital, Nainital vide order dated 30.05.2017. Thus, feeling aggrieved by the said allotment order, petitioner has approached this Court. (4) According to petitioner, he was more deserving than the persons who have been allotted residential accommodation; therefore, the impugned allotment order is liable to be set aside. (5) A counter affidavit has been filed on behalf of Chandan Singh Negi, Executive Engineer, Provincial Division, Public Works Department, Nainital. The stand taken in the counter affidavit is that the Office in which petitioner is serving is outside Nainital City and as per the policy, quarters for which petitioner had applied can be allotted only to such Ministerial employees whose Offices are situate within Nainital City. Para 6 of the counter affidavit is extracted below:- “6. That with respect to the contents of paragraph

			no. 6 of the writ petition it is submitted that it is through the procedure established by Departmental Housing Allotment Committee the quarters are allotted to the deserving personnel in the premises of 24 Junior Clerk Quarters. It is submitted that the petitioner did not fall in the category of deserving personnel and that is why the Quarter No. 9 in the said 24 Junior Clerk Quarters premises was allotted to other State Government personnel. It is further submitted that the office of the petitioner is not situated in Nainital City, and it is for this reason that the petitioner was not eligible for allotment of accommodation in the said premises. It is further clarified that the Departmental Housing Allotment Committee has not conducted with any biases against the petitioner and the allotment has been done in terms of the State Policy. It is also stated here that institution of the Civil Suit in the District Court is a matter of record and does not warrant any comment in the context of instant petition.” (6) No rejoinder affidavit has been filed by petitioner. In the absence of any reply, the stand taken in the counter affidavit has to be taken as correct. (7) Since petitioner was not eligible in terms of policy applicable for allotment of residential accommodation in question, therefore, the allotment of the accommodation to respondent no. 4 by the Competent Authority cannot be faulted, that too at the instance of petitioner, who was not eligible to participate in the allotment process. (8) In such view of the matter, there is no scope of interference with the impugned order. (9) Accordingly, writ petition fails and is dismissed. No order as to costs. (Manoj Kumar Tiwari, A.C.J.) 28.12.2023 Aswal
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