

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.14885 of 2014

Date of Decision:- 28.09.2015.

Harjinderpal Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE P.B. BAJANTHRI**

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Nirmaljeet Singh Sidhu, Advocate for the petitioner.

Mr. Rajesh Bhardwaj, Additional A.G. Punjab.

Mr. Ashish Grover, Advocate for respondent No.3.

SURYA KANT, J. (ORAL)

1.) The petitioner questions the order whereby his request for allotment of a residential plot in the preferential category of 'PUDA employees' was turned down. He also seeks a direction for preferential allotment of residential plot under Section 43-A of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

2.) As regard to the first prayer, it is not in dispute that the policy formulated by PUDA for allotment of plots to its own

employees has been struck down by this Court in a PIL and that order stands upheld by the Supreme Court. No benefit of such an *ex facie* illegal policy can be extended to the petitioner.

3.) As regard to the second plea taken by the petitioner, it is explained by Chief Administrator, GMADA in his reply/affidavit that 3% plots were reserved for the differently abled persons in the recently launched schemes of Aerocity and Ecocity and even 5% rebate was also given to the applicants. Unfortunately, the petitioner did not apply under those Schemes.

4.) Since no direction to allot a plot without considering the claim of other eligible applicants can be issued by this Court, the writ petition is disposed of with liberty to the petitioner to apply as a 'differently abled person' whenever a new scheme is launched by PUDA/GMADA or any other State Authority and let his claim be also considered by such authority, in accordance with law.

(SURYA KANT)
JUDGE

(P.B. BAJANTHRI)
JUDGE

September 28, 2015.

sandeep sethi