

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.19781 of 2014

Date of Decision: July 20, 2015

Union Territory, Chandigarh and others

.....Petitioners

versus

Union of India and others

.....Respondents

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

Present: Mr.Sanjeev Sharma, Senior Advocate with
Mr.Parminder Singh Kanwar, Advocate, and
Ms.Bhavna Joshi, Advocate, for the petitioners.

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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?

Surya Kant, J. (Oral)

Chandigarh Administration is aggrieved by the order dated 10.09.2013 passed by Central Administrative Tribunal, Chandigarh Bench in a matter pertaining to allotment of the residential quarter in Government Ayurvedic Dispensary, Sector 28-B, Chandigarh. The Tribunal has, vide the impugned order, set-aside the allotment of above-stated quarter made in favour of 3rd respondent-Milap Chand. The order was passed in an Original Application filed by respondent No.2-Mrs.Geeta.

[2] While the applicant before the Tribunal is working as Senior Assistant in the Directorate of Ayurveda, Yoga, Naturopathy, Unani, Siddha and Homeopathy (AYUSH), Sector 24, Chandigarh, the 3rd respondent-Milap Chand is working as a Junior Assistant in the Directorate, Health Services, U.T.

Chandigarh.

[3] The Tribunal has held that the subject quarter is meant for the employees of AYUSH Department, hence it could not be allotted to the employees of Directorate of Health Services.

[4] When this writ petition came up for preliminary hearing, learned counsel for the UT Administration informed that respondent No.2 (Smt.Geeta)- the applicant before the Tribunal, is no longer interested for the allotment of subject quarter as she has opted for HRA. She is said to have expressed her unwillingness in writing for allotment of the subject quarter. The order dated 20.06.2014 granting HRA to Smt.Geeta w.e.f. 31.05.2014 has been placed on record (P-7).

[5] Mr.Sanjeev Sharma, Senior Advocate and Senior Counsel for U.T. Administration states for that the authorities have meanwhile undertaken an exercise for equitable allotment of residential quarters amongst the employees of AYUSH Department and the Health Department. Such a policy decision, he submits, would effectively redress the grievance of the employees and would ensure fair distributing of Government houses amongst two departments.

[6] In the light of the above mentioned two subsequent events, namely, that (i) Smt.Geeta-original applicant before the Tribunal, is statedly not interested for allotment of subject Government quarter and (ii) the introduction of a transparent policy for allotment of Government houses between the employees of two departments, we are of the considered view that it would be a fit case where the Administration may approach the Tribunal for modification of the order dated 10.09.2013 and place its

decision before the Tribunal who may scrutinize the same and if it is found that the new policy would effectively redress the cause of house allotment amongst the employees of two departments, the Tribunal may accord its approval to the same. In the light of the fact that Smt.Geeta is not interested for allotment of subject quarter, her original application shall be taken to have been disposed of as infructuous.

[7] Ordered accordingly.

[8] Dasti.

[SURYA KANT]
JUDGE

July 20, 2015
mohinder

[P.B.BAJANTHRI]
JUDGE