

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

RSA No. 2648 of 2014 (O&M)

Date of decision : 29.10.2015

Dhuma Singh

.. Appellant

versus

Chandigarh Administration and others

.. Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Deepak Arora, Advocate, for the appellant.

Rajesh Bindal, J.

The plaintiff is before this Court against concurrent findings of fact recorded by both the Courts below whereby the suit filed by him seeking declaration that the order dated 30.5.2002 cancelling the allotment of House No. 2031, Sector-24, Chandigarh, and further the order dated 20.11.2003, demanding ₹ 58,603/- from the appellant-plaintiff as license fee, are null and void. Further injunction was sought restraining the defendant nos. 2 and 3 from recovering the amount from the salary of the appellant-plaintiff.

In the case in hand, the appellant was re-employed as peon in Department of Irrigation, Punjab, after discharge from military service on medical ground. He was allowed government accommodation bearing House No. 2031, Sector-24, Chandigarh. It was claimed that the plaintiff was residing in his native village in District Ropar with his family and in the accommodation allotted to him, his daughter Jasbir Kaur married to one Bhupinder Singh, resident of Manimajra, was residing.

The case set up by the appellant-plaintiff was that his daughter married with Bhupinder Singh was residing with him in the Government accommodation as he was physically disabled. On a complaint made regarding subletting of the house by the appellant, the Vigilance Department conducted a surprise check when one Paramjit Kaur wife of Satish Kumar was found present in the house, which was sought to be explained by the

appellant claiming that in fact this was the name given to his daughter Jasbir Kaur by her in-laws after marriage. It was found that the appellant had been residing in his native village. During enquiry, it was found that the appellant had, in fact, sublet the house, which was contrary to the conditions of allotment and the Rules applicable. As a result thereof, besides, cancelling the allotment of house, the authorities also imposed fine, which was sought to be impugned by filing the suit.

The order passed by the authorities was challenged in appeal before the Home Secretary, where the same has been upheld. The appellant had not been able to produce any evidence to show that Paramjit Kaur, who was found to be residing in the house at the time of survey was his daughter. Paramjit Kaur also avoided to give any statement at the time of survey regarding her relationship with the appellant-plaintiff. The fact that he had been residing in the accommodation along with his married daughter Jasbir Kaur could not be proved by him in evidence. In the absence thereof, both the Courts below have reached to an inescapable conclusion, namely, that the suit filed by the appellant was frivolous and deserved to be dismissed.

With the aforesaid material on record, in my opinion, there is no illegality in the judgments and decrees of both the Courts below. No question of law much less a substantial question of law arises in the appeal. The same is accordingly dismissed. Consequently, the applications are also dismissed.

29.10.2015
vs

(Rajesh Bindal)
Judge