

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

Civil Writ Petition No. 19209 of 2016

Date of Decision: 16.9.2016

Devinder Nath

.....Petitioner

Vs.

U.T. Administration and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Ranjan Lakhanpal, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK J. (ORAL)

Feeling aggrieved against the impugned appellate order dated 25.4.2016 (Annexure P-6), passed by the learned Additional District Judge, Chandigarh, dismissing appeal of the petitioner, while upholding the impugned eviction order dated 4.10.2012 (Annexure P-5), petitioner has approached this Court by way of instant writ petition under Article 226/227 of the Constitution of India, for quashing the impugned orders.

Heard learned counsel for the petitioner.

It is a matter of record that petitioner retired from government service on 31.3.2010. During his service, he was allotted a government accommodation. After his retirement, petitioner was under legal obligation to vacate the government accommodation but he did not do so, for the

reasons best known to him.

Learned counsel for the petitioner places reliance on the definition of 'eligible employees' contained in Rule 1 (h) of the Government Residences (Chandigarh Administration General Pool) Allotment Rules, 1996 ('Rules of 1996' for short), to contend that since the petitioner has been re-employed by way of appointment order dated 26.11.2010 (Annexure P-1), which is being extended from time to time and latest by order dated 22.7.2016, he is entitled to continue to stay in the government accommodation.

However, the solitary argument raised by learned counsel for the petitioner has not been found worth acceptance for the reason that Rules of 1996 apply only to the employees who are serving on regular basis either with the State of Punjab or State of Haryana or Chandigarh Administration. Under this very clause, it is provided that employee who has been working on full time basis and employed on contractual basis for a period not less than three years. A bare perusal of the appointment order (Annexure P-1) and particularly para 8 thereof, would make it crystal clear that appointment of the petitioner was for six months only. Further, para 10 of the appointment order has made abundantly clear that no official accommodation shall be provided to him.

It is a common knowledge that many eligible employees would be standing in a queue, seeking allotment of government accommodation. However, the petitioner is continuing illegally in the government accommodation which was allotted to him, during his service, where from he had admittedly retired on 31.3.2010. Under the abovesaid compelling circumstances, respondent authorities were left with no other option, except

to proceed against the petitioner under the Public Premises (Eviction of unauthorized Occupants) Act, 1971.

Dissatisfied with the impugned eviction order dated 4.10.2012 (Annexure P-5), petitioner filed his appeal which also came to be dismissed by the learned Additional District Judge, Chandigarh, vide impugned order dated 25.4.2016 (Annexure P-6). A combined reading of the impugned orders would show that petitioner had no case either on facts or in law. He has not been found to be a bonafide litigant. Petitioner has been proceeding on a malafide approach right from day one, with a view to keep his illegal possession intact. Such a litigant does not deserve any sympathy from the Court, as well.

The relevant observations made by the learned Additional District Judge in operative part of the impugned order, which deserves to be noticed herein, read as under:-

“ Admittedly, appellant had since been retired and he is retaining the same house which was earlier in his possession. His services have been extended from time to time and he is retaining the same. As per rules, he is not entitled for allotment and possession of this house regarding which impugned order has been passed. Once appellant is on contractual services then he is not entitled for allotment of house for accommodation and only condition of his job is fixed salary. In considered view of this Court, the Estate Officer has rightly passed the order for eviction of respondent and taking possession from him. There is no legal infirmity in passing of order by the Estate Officer in the impugned order. I uphold the same. There is no merit in the appeal. So, same is hereby dismissed. Record of the Estate Office be sent back along with copy of this order.”

A bare reading of the impugned order Annexures P-5 would show that respondent authorities committed no error of law, while passing the impugned order and it was rightly upheld by the learned Additional District Judge, vide impugned order Annexure P-6, thus, the same deserve to be upheld. During the course of hearing, learned counsel for the petitioner could not substantiate any of his arguments. Further, no prejudice of any kind, whatsoever, has been pointed out which might have been caused to the petitioner by passing of the impugned orders.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that instant writ petition is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No case for interference has been made out.

Resultantly, with the abovesaid observations made, present writ petition stands dismissed, however, with no order as to costs.

(RAMESHWAR SINGH MALIK)
JUDGE

16.9.2016

Ak Sharma

Whether speaking/reasoned Yes/No

Whether reportable: Yes/No