

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 21241 of 2016

Date of Decision: 7.10.2016

Kamal Kishore

....Petitioner.

Versus

State of Punjab and others

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MR. JUSTICE RAMENDRA JAIN.**

PRESENT: Mr. Amit Babbar, Advocate for
Mr. R.S. Manhas, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of Mandamus directing the respondents to allot a plot to him under the quota of Trust employees.

2. Initially, the petitioner was appointed as Surveyor on 8.6.1981. Due to cutting in the record, the post of Surveyor was abolished and the services of the petitioner were terminated. The petitioner filed CWP No. 9786 of 1990 and this Court stayed the operation of the resolution vide which his services were terminated. Thereafter, the petitioner was adjusted in the Municipal Council, Pathankot. The petitioner made a representation dated 29.10.2013 for seniority of the Surveyor and all benefits. In response

thereto, respondent No.2 vide order dated 19.11.2014 (Annexure P-1)

granted the benefit of seniority to the petitioner holding that the services of the petitioner had been wrongly and illegally terminated. The petitioner moved an application dated 12.4.1988 (Annexure P-2) for the allotment of a residential plot under the Trust Scheme. The Improvement Trust, Pathankot vide resolution dated 11.1.1993 (Annexure P-3) resolved that the plots would be allotted to the employees and since the petitioner had filed a writ petition, his case for the allotment of a plot would be considered only after the decision of the writ petition. As per the list dated 15.3.1995 (Annexure P-4), the similarly situated employees working with the petitioner have been allotted plots under various schemes. Accordingly, the petitioner moved a representation dated 16.10.2015 (Annexure P-5) to respondent No.4 for the allotment of plot under employees quota, but to no effect. Again the petitioner submitted a representation dated 25.5.2016 (Annexure P-6) to respondent No.2 for the allotment of plot in the Improvement Trust, Pathankot under the employees quota, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has sent the representations dated 16.10.2015 (Annexure P-5) and dated 25.5.2016 (Annexure P-6) to respondents No.2 and 4, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioner, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing respondent No.4 to take a decision on the representations dated 16.10.2015 (Annexure P-5) and dated 25.5.2016 (Annexure P-6), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the

petitioner within a period of three months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

October 7, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No