

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

CWP No.4766 of 2014

Date of Decision:12.12.2016

Jaswinder Kaur

... Petitioner

Vs.

State of Punjab and others

... Respondents

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

Present : Mr. Dinesh Kumar, Advocate for the petitioner.

Mr. Rahul Verma, A.A.G. Punjab.

Mr. Vishal Sodhi, Advocate for respondents No.3 and 4.

P.B. BAJANTHRI J.

In the instant writ petition, the petitioner has questioned the communication dated 9.1.2014 (Annexure P-9).

The petitioner's father late Shri Paramjit Singh was working as a Superintendent in the office of Additional Director General of Police, Intelligence, Punjab, Chandigarh. He was allotted House No.III/241 Sector 43, Chandigarh. Shri Paramjit Singh died on 21.1.2009 while in service. By virtue of Government notification dated 28.6.1996 relating to the Government Residences (Chandigarh Administration General Pool) Allotment Rules 1996, the petitioner continued to occupy the allotted quarter to her father. As per the Government Residences (Chandigarh Administration General Pool) Allotment (Amendment) Rules, 2010, proviso to Rule 3 prescribes that legal heirs of the deceased employee are entitled to retain the allotted Government accommodation (beyond the period of three years on payment of normal licence fee) for further period of 2 years (i.e. for 4th and 5th year) on payment of five times of the normal licence fee. The

petitioner continued to occupy the allotted quarter to the deceased employee. Even today by virtue of interim order, she is continuing. In this background, the petitioner was appointed on compassionate ground on 18.3.2013. She has joined her services on 20.3.2013. After joining her services, she submitted an application for allotment to Government Accommodation in particularly allotted quarter to deceased Government employee. The respondents have rejected the claim of the petitioner for allotment to the Government H. No.III/241 Sector 43, Chandigarh stating that the petitioner's case do not fall under the notification dated 8.6.2010 i.e., Government Residences (Chandigarh Administration General Pool) Allotment (Amendment) Rules, 2010. Thus, feeling aggrieved by the communication dated 9.1.2014, the petitioner has presented this petition.

Learned counsel for the petitioner submitted that as per notification dated 8.6.2010, the petitioner is entitled to allotment of house under sub rule (a) (i) of Rule 2 of the Government Residences (Chandigarh Administration General Pool) Allotment (Amendment) Rules, 2010. Denial by the respondents with reference to the same notification is contrary to the aforementioned rules. It was further submitted that in an identical matter, this Court has quashed the order and directed the respondent to regularize the Government accommodation and further ordered that normal licence fee may now be charged from the petitioner in CWP No.13326 of 2011.

On the other hand, learned counsel for the respondent submitted that the petitioner's case do not fall under the Government Residences (Chandigarh Administration General Pool) Allotment (Amendment) Rules, 2010 for the reasons that sub rule (a) (viii) of rule 2 is very specific that if within three years of the death of the allottee, kin get a

Government job then the kin shall be allotted house of his entitled category though on out of turn basis. Whereas in the present case, father of the petitioner died on 23.1.2009 and the petitioner was appointed on 18.3.2013 i.e. after more than three years. Therefore, the petitioner has not made out a case so as to interfere with the order dated 9.1.2014 (Annexure P-9). It was further contended by the learned counsel for the respondents that order passed in CWP No.13326 of 2011 is not applicable to the present case having regard to the date of death and date of appointment in the present case.

Heard learned counsel for the parties.

Short question for consideration in the present petition is whether the petitioner is entitled to re-allotment of house i.e. allotment of house out of turn basis or continue to allotted house to the deceased employee (father of the petitioner) or not?

Sub rule (a) (viii) of Rule 2 reads as under:

“(viii) If within three years of the death of the allottee, kin get a Government job then the kin shall be allotted house of his entitled category though on out of turn basis.”

Reading of sub rule (a) (viii) of Rule 2, it is crystal clear that out of turn allotment could be done only in the circumstances that a person who has been appointed within three years of the death of the allotted. In the present case, admittedly the petitioner was appointed on compassionate ground after three years. Therefore, the above rule is not attracted so as to seek allotment of Government accommodation on out of turn basis. Reliance placed on CWP No.13326 of 2011 is also not applicable having regard to the fact that the petitioner do not fulfill the conditions stipulated in

sub rule (a) (viii) of Rule 2 of the Government Residences (Chandigarh Administration General Pool) Allotment (Amendment) Rules, 2010. Thus, the petitioner has not made out a case so as to interfere with the communication dated 9.1.2014 (Annexure P-9).

Accordingly, the present petition stands dismissed.

12.12.2016
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**