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

**CWP No.7055 of 2016 (O&M)
Date of decision: April 12, 2016**

Ram Lal

.....Petitioner

Versus

The Central Administrative Tribunal, Chandigarh
and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE A.B. CHAUDHARI**

Present: Mr. Satbir Singh Kanoria, Advocate.

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)

The petitioner has laid challenge to the order dated 05.04.2016, whereby, the Central Administrative Tribunal, Chandigarh Bench dismissed the Original Application in which the orders cancelling the allotment of residential quarter No.559-A, Sector 32-A, Chandigarh and allotment of a new residential quarter in lieu thereof, bearing No.562-B, has been upheld.

Petitioner and respondent No.6 are serving in the office of Surveyor General of India. Petitioner was transferred from Chandigarh to the State of J&K, which is declared a 'disturbed State', thereby permitting him to retain the Government accommodation at Chandigarh.

While the petitioner was in occupation of the first floor quarter, the second floor of the same was occupied by respondent No.6. There was some incident of alleged misbehaviour by the son of respondent No.6 with the petitioner's family, which though was amicably settled, but on further representation-cum-complaint, a fact finding inquiry was held and based thereupon the allotment of the petitioner as well as respondent No.6 was cancelled. Both of them, however, were allotted alternative accommodation along with a warning to the petitioner that he will have to behave properly with the neighbours, failing which the fresh allotment shall also be cancelled without giving further opportunity.

While respondent No.6 has shifted to the new accommodation, the petitioner unsuccessfully challenged the action of the authorities before the Tribunal.

We have heard learned counsel for the petitioner and are not inclined to interfere with the impugned order. We say so far the reasons that firstly, the issue as to who was responsible for the unfortunate incident is essentially a question of fact, which need not be gone into by this Court in exercise of its writ jurisdiction. Secondly, the warning issued to the petitioner has emanated out of not only the incident in question but also some previous incident of the petitioner's dispute with his neighbour. It is on account of

temperamental nature of the petitioner and/or his family members that the authorities have given the alternative accommodation with a rider. We see no reason for deletion of the warning at this stage, as the petitioner while enjoying the perceived right to Government accommodation, owes a duty of good behaviour towards his neighbours. There cannot be any right without a corresponding duty. This has to be well understood by the petitioner and his family. Needless to say that if the petitioner continues to maintain cordial behaviour with his neighbours he will be at a liberty to approach the authority for their sympathetic reconsideration for deletion of the offending condition.

Disposed of.

**[SURYA KANT]
JUDGE**

**[A.B. CHAUDHARI]
JUDGE**

April 12, 2016

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