

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

RSA-1458 of 2013 (O&M)

Date of decision: 03.03.2016

Smt. Goggi

...Appellant

Versus

Divisional Railway Manager and others

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Ms. Jasneet Nehra, Advocate for
Mr. L.M. Gulati, Advocate
for the appellant.

Jitendra Chauhan, J. (Oral)

The plaintiff/appellant filed suit for permanent injunction. The trial Court vide judgment and decree dated 17.04.2012, dismissed the suit.

2. Aggrieved against the findings of trial Court, the plaintiff/appellant filed an appeal which was dismissed by the learned Appellate Court, vide judgment and decree, dated 03.01.2013.

3. The Appellate Court affirmed all the findings

recorded by the trial Court after discussing and evaluating the oral as well as documentary evidence on record, hence, the instant appeal at the behest of the plaintiff/appellant.

4. It is submitted that the appellant has been residing in Quarter No.262 in Railway Colony No.2, near Railway Station Amritsar. The husband of the appellant, Vijay Kumar was a Class-IV employee with the respondent-Department. On compassionate ground, the plaintiff/appellant had been inducted into service on temporary basis, however, her services were terminated on 02.09.2002. Against the order of the termination, the plaintiff approached the Central Administrative Tribunal, Chandigarh which was subsequently dismissed. The appeal there against is pending adjudication before this Court. However, it has come on record that there is no quarter bearing No.262 in Railway Colony-II as asserted by the appellant. It is admitted that the appellant has laid chhapper/house on the railway property. It is further on record that even the husband of the appellant was never allotted any Govt., accommodation. Both the Courts below have recorded categorical findings that the appellant had raised a temporary structure on the railway property and the appellant is in unauthorized possession of the

property.

5. Keeping in view the fact that even the husband of the appellant was never allotted any accommodation nor the description of the quarter mentioned by the appellant exists on the spot, therefore, it is amply proved that the appellant had raised unauthorized structure on the railway property which cannot be allowed. There is no scope for interference in the judgments passed by the Courts below.

Dismissed.

03.03.2016

sumit.k

(JITENDRA CHAUHAN)
JUDGE