

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

RSA No. 2465 of 2014 (O&M)
Date of decision : March 22, 2016

Jasbir Singh

..... Appellant

Versus

The Ludhiana Improvement Trust and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Rajesh Gupta, Advocate
for the appellant.

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?

Amit Rawal, J (oral).

Learned counsel appearing on behalf of the appellant-plaintiff submits that the trial court dismissed the suit whereby relief of permanent injunction and consequential relief of mandatory injunction was rejected but the lower appellate court held entitled the plaintiff the right of consideration but did not fix any time frame. The judgment and decree of the lower appellate court is dated 21.12 2013 and till date no action has been taken. The finding with regard to the factum of dismissal of service has also been negated and thus, prays that the appellant is entitled to be considered in view of the rules existing at the relevant point of time. The Improvement Trust was bound to consider the claim and pass appropriate orders thereon.

Learned counsel appearing on behalf of the appellant submits that the case of appellant is covered under Rule 11 and not Rule 8 of the Punjab Town Improvement (Utilization of Land and Allotment of Plots) Rules, 1983 as Rule 8 applies to general public and Rule 11 is with regard to the employees whereby 2% quota has been reserved for allotment in respect of serving employees.

He further submits that Sub Rule (vi) of Rule 4 of the Punjab Town Improvement (Utilization of Land and Allotment of Plots) Rules, 1983 provides reservation of allotment to the employees of the concerned trust and in case of death while in service, their widows. The extent of reservation is 2%.

I have heard learned counsel for the appellant and appraised the paper book.

For the sake of brevity the relevant portion of the finding of lower appellate court reads thus:-

“As a cumulative result of the above discussion, the appeal is partly allowed by directing that the plaintiff/appellant is entitled to mandatory injunction directing the defendants to consider him for the allotment of plot to the appropriate size along with the rest of the employees of the Improvement Trust, Ludhiana, whenever the allotment of plots is made in favour of the employees of the Improvement Trust, Ludhiana at the then prevalent rates and as per the rules and instructions on the subject. In view of the peculiar circumstances of the case, the parties are left to bear their own costs of these proceedings. Decree sheet be prepared and the file of the

learned trial court be returned along with a copy of this judgment. The appeal file be consigned to the Record Room.”

In view of the aforementioned facts, that the lower appellate court has not fixed the time frame, I deem it appropriate to direct the Improvement Trust to consider the case of the appellant as per the applicable rules after affording an opportunity to the appellant, who shall put forth his case as per the rules prevalent at the relevant point of time, thereafter the respondents shall pass a speaking order in accordance with law preferably within a period of three months thereafter.

With the aforementioned observations, the judgment and decree of the lower appellate court is modified and the appeal stands disposed of.

(AMIT RAWAL)
JUDGE

March 22, 2016
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