

226 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 24485 of 2015 (O&M)

Date of Decision: 06.12.2018.

Parveen Sareen

... Petitioner

Versus

Director Health Services (Social Insurance), Punjab and another

... Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Manuj Nagrath, Advocate,
for the petitioner.

Ms. Ambika Bedi, AAG Punjab.

JITENDRA CHAUHAN.J.

The present civil writ petition has been filed by the petitioner under Articles 226/227 of the Constitution of India praying for issuance of writ in the nature of mandamus directing the respondents to refund the amount deducted from the salary on account of rent for the residential quarter allotted to the petitioner since July, 2012.

The brief facts of the case are that the petitioner was appointed as Laboratory Assistant Grade "II" on 09.03.1983 vide appointment letter (Annexure P-1) and was posted as Medical Lab Technician at ESI Hospital, Hoshiarpur in August 1998. Since then she has been working at the aforementioned hospital. During her tenure at Hoshiarpur, she constructed her own house near the hospital and has

been residing in the said house.

It is further stated that the petitioner was allotted a residential quarter on 02.07.2012 vide allotment letter (Annexure P-2) in residential colony of the hospital by Senior Medical Officer, ESI Hospital, Hoshiarpur without her making an application for allotment of quarter to any authority as she had been living in her own house. The Petitioner served a legal notice dated 22.07.2015 (Annexure P-6) to the authorities to refund the amount deducted from her salary since July, 2012 towards rent of residential quarter allotted to her. The petitioner neither ever took possession nor resided in the allotted quarter. The petitioner had submitted various legal notices and representations requesting that she does not require the said house and the same be allotted to some needy staff member.

Learned counsel refers to Punjab Government Houses (General Pool) Allotment Rules, 1983 (for short “the Rules”) to contend that for allotment of a Government accommodation, an employee has to file an application in pursuance of Rule 6 of the Rules whereas, the respondents had unilaterally allotted the said residential accommodation to the petitioner and had been deducting an amount of Rs.4557/- per month from the salary of the petitioner towards the rent of the said residential quarter.

The learned State counsel could not refute the fact that the petitioner never applied for allotment of the house in question.

Heard.

The relevant rule 6 of the Rules is reproduced as under:-

“6. Application for allotment- An employee who seeks allotment of a house under these rules shall apply to the Secretary concerned in Form “A” appended to these rules”.

A perusal of the above noted rule shows that an allotment of house is not an automatic process. An employee has to apply for the same. As per record, no such application for allotment of the house was made by the petitioner. Therefore, the unilateral allotment of quarter B-9 ESI Hospital Colony, Hoshiarpur vide allotment letter dated 02.07.2012 (Annexure P-2) to the petitioner is of no consequence. As there is no application on record for allotment of the accommodation, the present civil writ petition is allowed. The respondents are directed to refund the amount deducted from the salary of the petitioner towards rent of unilaterally allotted residential quarter to her in July, 2012. The necessary exercise be done within a period of two months from the date of receipt copy of the judgment.

06.12.2018.
SN

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No