

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No. 1017 of 2013

Date of Decision: 10.01.2018

Lachhman Dass

...Petitioner

VERSUS

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. B.S. Jawal, Advocate
for the petitioner.

Mr. Daldeep Singh Sukarchakia, DAG, Punjab.

Mr. Vipul Sachdeva, Advocate
for respondent no. 4.

SURINDER GUPTA, J.(Oral)

Heard.

The issue raised by learned counsel for the appellant is that 2% of residential plots reserved for employees of Improvement Trust, Amritsar were to be allotted as per seniority and not by draw of lots.

The aforesaid question has already been answered by this Court in the judgment passed in RSA No. 3391 of 2017. The relevant paragraph of the judgment is reproduced as follows:-

“In both these appeals, the whole controversy with respect to criteria fixed for allotment of the plots to the general public as also the employees of the Improvement Trust, Amritsar is enshrined in Rule 8 sub clause (1) of the Punjab Improvement Trust (Utilization of Land and allotment of Plots) Rules 1983. For facility of reference, the relevant clause thereof reads as follows:-

*“ Rule 8 sub clause (1):- Unless otherwise provided under these rules every Trust shall allot **residential plots** and multi-storeyed houses by “**draw of lots**” and shall sell the commercial plots by auction.”*

In view of the provisions of the 1983 Rules, it is abundantly clear that plots have to be allotted on the basis of “draw of lots”. Therefore, the contention of the learned counsel for the appellant Mani Ram that he was eligible for the plot reserved for the employees “on the basis of seniority” is not tenable, inasmuch as he has not been able to produce on record any oral as well as documentary evidence in support of his case. That apart, the appellant has not been able to show any rules or provisions of law, which could make him eligible for allotment of reserved plots for the employees on the basis of seniority. The seniority list of the employees prepared by the respondent- Improvement Trust was not for the purpose of providing them plots on the basis of seniority, inasmuch as it does not find mention that the same was prepared for the allotment of plots on the basis of seniority. Rather, it is apparent from Rule 8 sub clause (1) of the 1983 Rules, that the criteria fixed for allotment of plots was on the basis of “draw of lots”. Both the learned courts below, in my considered opinion, have rightly held that the allotment of plots was on the basis of “draw of lots and not on the basis of seniority. However, the seniority list Ex.P45 produced and proved by the appellant-plaintiff Mani Ram before the learned trial court, was not supported by any material evidence and as such, does

not make him eligible for allotment of a plot. That apart, the seniority list does not find mention as to for what purpose the same was produced on the record of the trial court and therefore, the learned trial court has rightly not taken note of it.”

As the question raised by learned counsel for the appellant has already been answered in the judgment passed in RSA No. 3391 of 2017, the instant appeal has no merit and the same is dismissed.

January 10, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***