

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

108

CWP-1861-2019
Date of Decision: 23.01.2019

Rajinder Parshad Sharma

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr.Ajaivir Singh, Advocate
for the petitioner.

TEJINDER SINGH DHINDSA.J.

Vide order dated 31.03.1978 issued by the Labour Commissioner, Punjab (Annexure P-3), House No.412/21-A of Phase VI, SAS Nagar, Mohali was allotted to the petitioner as he was then an employee of M/s Ranbaxi Laboratories Ltd. Such allotment was in pursuance to the provisions contained under the Punjab Industrial Housing Act, 1956 (for short, 'the Act') and the Rules framed thereunder.

The instant writ petition is directed against the order dated 26.12.2018 (Annexure P-6) passed by the competent authority under the Punjab Industrial Housing Act, 1956 and whereby in ostensible exercise of the power vested under Section 19(1) of the Act, the petitioner has been called upon to deliver vacant possession of the premises in question within a period of 30 days from the date of passing of the order.

Having heard counsel for the petitioner at length and having perused the pleadings on record, this Court is of the considered view that the validity of the impugned eviction order dated 26.12.2018 need not be gone into at this stage. Such view is being taken for the reason that the

petitioner had been served with a show cause notice dated 14.12.2018 Annexure P-4 contemplating cancellation of the allotment of the flat on the premise that he does not fall within the definition of 'Industrial labourer/worker'.

Petitioner was given 10 days time to respond. Apparently, a reply dated 26.12.2018 (Annexure P-5) was submitted by the petitioner i.e. two days beyond the time frame for submission of the reply. The impugned order of eviction dated 26.12.2018 (Annexure P-6) has been passed on the same very date.

Concededly against the order of eviction passed by the competent authority under the Punjab Industrial Housing Act, 1956, the petitioner has a statutory remedy of appeal under Section 20 of the Act read with Rule 7 of the Rules made thereunder.

In the considered view of this Court, the petitioner ought to avail of such statutory remedy prior to agitating against the eviction order before a writ Court.

Accordingly, while declining to intervene at this stage, liberty is granted to the petitioner to file a statutory appeal against the eviction order dated 26.12.2018 before the designating/Appellate Authority within a period of 10 days from today. In the eventuality of the petitioner filing an appeal within the stipulated time frame, the Appellate Authority would be obligated to consider the same and to pass an order on merits within a period of four weeks thereafter and after affording an opportunity of hearing to the petitioner.

It is further directed that the order of the eviction dated 26.12.2018 (Annexure P-6) would be kept in abeyance till the passing of the final order by the Appellate Authority and would be subject to the final

view taken by the Appellate Authority.

It is further clarified that in case the petitioner does not avail of the remedy of appeal within a period of 10 days as has been directed, the eviction order dated 26.12.2018 would sustain.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

23.01.2019

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- i) Whether speaking/reasoned? Yes/No
- ii) Whether reportable? Yes/No