

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

**RSA No.1599 of 2019
Date of Decision:27.03.2019**

Mehanga Singh

....Appellant

Versus

Alexandra School, Amritsar

....Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Amarjit Singh, Advocate for the appellant.

SUDIP AHLUWALIA, J.(ORAL)

This appeal has been preferred against the concurrent findings in the judgments of both the learned Courts below whereby the suit for possession filed on behalf of the respondent School *qua* the residential premises under occupation of the appellant, who was the erstwhile driver in the said school and was since dismissed from service, had been decreed, and the appeal preferred by the appellant was dismissed by the Ld.Lower Appellate Court.

2. It is undisputed that termination of the appellant was after he had caused an accident while driving a Bus belonging to the respondent School, and his order of termination was sustained by the Industrial Tribunal. His only grievance is that he has challenged the said order by way of CWP No.21287 of 2013, in which for several years the respondents did not file any Written Statement, and then submitted before the Court that they do not wish to file the same.

3. The said matter which could not be taken up on the original date fixed (24.03.2019) which happened to be a holiday/ Sunday, is now

stated to be fixed for 1.8.2019 before the concerned Bench.

4. This Court finds no substantive merit in the present appeal since the Trial Court was right in sustaining his dismissal from service when his termination order had been upheld by the competent authority, on account of which his right to continue in the official accommodation allotted to him ceased to exist. Mere pendency of the writ petition against the termination order in itself is no ground to prevent the logical consequences arising out of the same from accruing.

5. For the above reasons, this appeal is dismissed.

The petitioner is however, granted protection against his dispossession from the concerned premises only till the next date fixed before the concerned Bench (1.8.2019), after which this order shall automatically stand vacated.

(SUDIP AHLUWALIA)
JUDGE

27.03.2019

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