

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

CWP No.13695 of 2018

Date of decision:-22.01.2019

Rinku

.....Petitioner

versus

State of Punjab and others

.....Respondents

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

Present:- Mr. Hitesh Pandit, Advocate for the petitioner.

Mr. Sahil Sharma, DAG, Punjab.

Mr. Parambir Singh, Advocate for respondents No.3 and 4

TEJINDER SINGH DHINDSA, J.(ORAL)

Reply on behalf of respondents No.3 and 4 alongwith Annexure R3/1 has been filed in Court today and the same is taken on record. Copy has been furnished to counsel opposite. With the consent of the counsel for the parties, the writ petition is taken up for final disposal today itself.

Petitioner who is serving as a Safai Sewak under the Municipal Corporation, Ludhiana has filed the instant petition seeking a writ of mandamus directing the respondent authorities to deliver to him vacant possession of Quarter No.68, Labour Colony, Janakpuri, Ludhiana.

Counsel representing the petitioner submits that the aforenoticed quarter was allotted to the petitioner on 30.01.2018 and as such he would have a vested right to occupy such quarter. Further argued that the respondent authorities with an oblique motive and just to accommodate some other employee are denying the vacant possession of such quarter. Further urged that quarter No.68, Labour Colony, Janakpuri, Ludhiana, is

in the illegal possession of a retired employee and the respondent authorities are deliberately not getting the occupant evicted from the quarter.

In the reply that has been filed in Court today, an order dated 01.01.2019 (Annexure R3/1) has been appended and which reflects that petitioner has been now allotted a vacant Government Quarter No.230 at Dr. Ambedkar Colony, Ludhiana.

Counsel for the respondent-Municipal Corporation, Ludhiana, apprises the Court that the petitioner in the capacity of a Safai Sewak has been assigned duty in Zone B and the allotment vide order dated 01.01.2019 at Dr. Ambedkar Colony, would be at a distance of approximately 2 kms. from the place of work/duty of the petitioner. He further urges that the previous allotment of Quarter No.68, Labour Colony, Janakpuri, Ludhiana, was in fact at a distance of 2.5 kms. from the place of duty of the petitioner. It is submitted that the fresh allotment in Dr.Ambekdar Colony, would not cause any prejudice to the petitioner.

In the considered view of this Court and in the light of the fresh allotment made in favour of the petitioner at Dr.Ambedkar Colony, no further intervention in the matter is called for. Rather the fresh allotment is in terms of the alternate prayer that the petitioner had made in the writ petition itself.

Writ petition is accordingly disposed of as infructuous.

(TEJINDER SINGH DHINDSA)
JUDGE

22.01.2019

shweta

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No