

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-23856-2015

Date of Decision: 13.03.2019

Pankaj Sharma and others

..... Appellant

Vs.

Chandigarh Administration and others

..... Respondents

**CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN
HON'BLE MR.JUSTICE HARNARESH SINGH GILL**

Present: - Mr.R.K. Arora, Advocate,
for the appellant.

Mr.Kapil Kakkar, Advocate,
for respondents No.1 & 2.

RAKESH KUMAR JAIN, J. (ORAL)

The present petition is preferred for seeking an appropriate writ for deleting the word 'excluding grade pay' in the eligibility criteria for allotment of Government houses mentioned in Clause V, for Type III (New) houses as it violates the provisions of Punjab Civil Services (Revised Pay) Rules, 2009 and further to issue a direction to rectify the eligibility criteria for allotment of permanent accommodation on the basis of revision of basic pay by deleting the word "excluding grade pay" or by replacing the same with "including grade pay" and to issue a fresh notification and circular in this regard.

During the course of hearing, the following order was passed by this Court on 17.12.2018: -

*"Learned counsel for the petitioners has
submitted that Rule 5 of the Government*

Residences (Chandigarh Administration General Pool) Allotment Rules, 1996 (in short 'the Rules'), provides that a government employee shall be eligible on the basis of the emoluments/designation, for allotment of a residence of the type shown in the table of Annexure-I. He has further submitted that Rule 1 (j) provides the definition of emoluments means the emoluments as defined in FR-9 (21) (a) (ii) i.e. only basic pay and no other allowances are to be taken into account. It is also submitted that the basic pay in the revised pay structure is defined in Rule 3(i) of the Punjab Civil Services (Revised Pay) Rules, 2009, which means the pay drawn in the specified pay band plus the applicable grade pay, but does not include any other type of pay like special pay etc. He has also referred to the definition of revised emoluments as defined in Rule 3(j) which says that revised emoluments means the pay in the pay band plus the grade pay of a Government employee in the revised pay structure and includes dearness allowances.

Counsel for the petitioners has submitted that the petitioners, who are working as Senior Assistants in the Punjab and Haryana High Court, are getting the basic pay in revised scale to the tune of ₹13,500/-. It is submitted that they are eligible for allotment of Type III (New) category of Government House in Chandigarh but the said instructions dated 31.12.2014 has excluded grade pay. It is submitted that the said exclusion would be contrary to the provisions of Rules.

Counsel for the respondents prays for an adjournment.

Adjourned to 6.2.2019.

Thereafter, the case was adjourned on the request of the counsel appearing on behalf of respondents No.1 & 2 to seek instructions from the department.

Learned counsel appearing on behalf of respondents No.1 & 2, on instructions from Narender Kumar, Sr. Assistant of the department, who is present in Court, has stated at the Bar that an appropriate order would be passed by the department for the redressal of the grievance of the petitioner by deleting the word 'excluding grade pay' in the eligibility criteria for the allotment of Government house. However, he has further submitted that sufficient time may be given in this regard.

In view of the assurance given by learned counsel for respondents No.1 & 2, the present petition is hereby disposed of with a

direction that the respondents shall do the needful as early as possible but positively by the end of the month of June 2019.

(RAKESH KUMAR JAIN)
JUDGE

13.03.2019
Vivek

(HARNARESH SINGH GILL)
JUDGE

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