

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.26456 of 2019
Date of Decision:27.09.2019

Rajinder Parsad

... Petitioner

Versus

Union Territory Chandigarh and another

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Vivek Sharma, Advocate,
for the petitioner.

Mr. Aman Pal, Advocate,
for the respondents.

RAJIV NARAIN RAINA, J.(Oral)

1. When this matter came up for hearing on 18.09.2018, this Court while issuing notice of motion to the respondents passed the following order, in the presence of learned counsel for Union Territory Chandigarh:-

“Notice of motion.

Mr.Aman Pal, Advocate who is present in Court accepts notice on behalf of the respondents and waives service on them.

After Mr.Aman Pal accepted notice, a few queries have been put to the learned counsel. It is found that the petitioner has been allotted a government accommodation in Sector 22, Chandigarh, which is already in his occupation. He wants out of turn allotment in Sector 7, Chandigarh. Mr. Aman Pal to verify these facts and supply reasons, preferrably in writing as to why the impugned order has been passed.

List to attempt final disposal on 27.9.2019.

To be shown in Urgent List.”

2. Mr. Aman Pal has appeared for the UT Administration but without written statement and on instructions from Sh. Hukam Singh, Sr. Assistant, House Allotment Committee, submits that it is true that the petitioner is posted as OSD to the Speaker, Vidhan Sabha, Punjab and was given out of turn allotment of Type X House No. 290, in Sector 7 from the Punjab pool of Government accommodation available in Chandigarh. This allotment has been cancelled for the reason that there is paucity of accommodation in Chandigarh and Secondly, on the ground that the petitioner is already in occupation of Government accommodation in Sector 22, Chandigarh, of Type XIII.

3. Type XIII accommodation is a smaller house than the petitioner's entitlement and of the type he presently occupies. Therefore, he has a right to allotment of a Government accommodation according to his entitlement.

4. On hearing parties through their respective counsel, I believe that both these reasons should not have been used arbitrarily against the petitioner. Paucity of Government accommodation is not substantiated by data for the Court to take a view. The fact that the petitioner is in occupation of Government accommodation of a type lower than his entitlement would also not be a justifiable reason to refuse allotment of accommodation as per his legal entitlement. Once out of turn allotment is made by the competent authority for any reason whatsoever, there must exist very cogent grounds to revoke the order and which action must stand judicial scrutiny.

5. In these prevailing facts and circumstances, the plea of the petitioner is accepted and this petition is allowed. The order cancelling

out of turn allotment to the petitioner is quashed qua the petitioner. The petitioner will shift to House No.X/290, Sector 7, Chandigarh and hand over the vacant possession of House No. 613, Sector 22, Chandigarh, to the agent of the House Allotment Committee, UT Chandigarh as per the time-line fixed by the administration in this behalf without delay.

27.09.2019

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(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No