

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

CWP-4907-2019 (O&M)

Date of decision: August 03, 2022

Suman

...Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Sandeep Thakan, Advocate for the petitioner.

Ms. Mamta Singla Talwar, DAG Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari for quashing impugned order dated 03.01.2019 (Annexure P-4) whereby, allotment of Government quarter to the petitioner has been cancelled.

2. In the return filed on behalf of the respondents, following stand has been taken in Para-5 of the reply on merits, which is as below:

“5. That in reply to para No.5 of the civil writ petition it is submitted that two newly appointed Supervisors and one Clerk namely Ravinder have joined their duties in the office of District Program Officer, Karnal and all these employees have applied for seeking allotment of category-3 quarter vide their respective applications Annexure R-2 to R-4. It is worth mentioning here that vide office order bearing memo No.30184-90 dated 22.09.2011, Ms. RenuPhulia the then Director, Women & Child Development Department, Haryana empowered the concerned Program Officer, ICDSL to allot the vacant residential quarters in Mahila Ashram, Karnal, Rohtak and Kasturba Sadan Faridabad on the following terms and conditions:

1. In respect of allotment of vacant quarter meant for staff, the preference will be given to employees of concerned Mahila Ashram.

2. *These houses can also be allotted to the employees of Women & Child Development Department, subject to payment of rent as per the Government rates.*
3. *In case the appointment is made on vacant post of Mahila Ashram, and the quarter is already allotted to the employee of other concerned offices, in that eventuality, the said employee/ allottee should have vacate the quarter and this condition be inserted in the allotment letter.*
4. *In case the residential quarter is allotted to such an employee who is not employee of these Houses, then he should have to pay the rent as per the government instructions.*
5. *The residential houses which have already been allotted to the employees of other department, the house may be got vacated by giving one month's notice and arrears of rent be got recovered.*
6. *The concerned Program Officers, as per need, shall confirm the maintenance of the residential quarters from time to time.*

Thus from the above office order it is ample clear that the answering respondent is competent to make the allotment of the residential accommodation to the employees of the Mahila Ashram. It is worth mentioning here that the petitioner is not an employee of Mahila Ashram rather she is engaged as Protection Officer (Women) Institutional Care Purely on Contract for three years, whereas the Supervisors and Clerk who have applied for allotment of quarter, are permanent employees of Mahila Ashram Karnal and as per the condition No.3 of the office order No.30184-90 dated 22.09.2011, the petitioner is bound to vacate the accommodation since the employees of Mahila Ashram Karnal have applied for said accommodation and on receiving the application of said Supervisors and Clerks, the answering respondent, in view of the above office order passed by the Director General, Women & Child Development Department, cancelled the allotment of the petitioner and the petitioner was asked to vacate the residential quarter within a period of 30 days so that the same may be allotted to the concerned Supervisor. However, instead of vacating the said accommodation, the petitioner filed the present civil writ petition.”

3. Reliance is thus, on the instructions dated 15.09.2011 (Annexure R-1) which are not under challenge before me. When seen from that angle, reliance placed by the petitioner on the allotment letter dated 27.09.2012 (Annexure P-3) which has been issued by the Programme Officer-III is completely misplaced as the same is in clear violation instructions *ibid*.

4. In view thereof, no grounds for interference are made out.
Dismissed. Respondents are at liberty to proceed in accordance with
applicable instructions (Annexure R-1).

(ARUN MONGA)
JUDGE

August 03, 2022

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No