

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

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RSA No. 2248 of 2022 (O & M)

Date of decision : 28.10.2022

**Haryana Urban Development Authority (now Haryana Shehri Vikas
Pradhikaran), Hisar and others**

.....Appellants

Vs.

Ramassre

.....Respondent

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Deepak Balyan, Advocate, for the appellants

TRIBHUVAN DAHIYA, J. (Oral)**CM No. 7777-C-2022:**

This is an application for condonation of 19 days delay in re-filing the present appeal.

For the reasons stated in the application, the same is allowed. Delay of 19 days in re-filing the present appeal is condoned.

RSA No. 2248 of 2022:

1. This is defendants' second appeal against the concurrent findings of both the Courts below.
2. The facts in brief are, the respondent/plaintiff (hereinafter referred to as 'the plaintiff') filed a suit for declaration that he had become allottee/owner of Plot No. 1347, Sector 33 (Part I), Hisar, in the draw held in January 2014 by the appellants/defendants (hereinafter referred to as 'the defendants'). He had submitted relevant documents, such as employer certificate, to the defendants. After scrutiny of applications, earnest money of 10% of the amount was accepted from him. In the final draw for

allotment of plots, the plaintiff was found successful in the category of serving employees; a letter dated 7.2.2014 to that effect was issued to him. But allotment letter was not issued despite lapse of one year. Subsequently, vide letter dated 28.1.2015, the plaintiff was declared ineligible for the said allotment under HGSER (SEEMP) category, which was contrary to rules and liable to be set aside.

3. It has been concurrently held by both the Courts below that the Scheme of allotment of plots was floated on 9.5.2013. At that time the plaintiff was working as a regular Class IV employee, Ploughman, in the office of Deputy Director, Sheep Breeding Farm, GLF, Hisar; his date of retirement, as per Ex.D-11, was 30.6.2018. It clearly established that on the date of commencement of the Scheme, the plaintiff had more than five years of service left, and was fully eligible for allotment of plot under HGSER (SEEMP) category, meant for serving employees. The defendants' stand that the plaintiff was not entitled to allotment under the category of serving employees, cannot, therefore, be accepted.

4. There is no infirmity or illegality in the concurrent findings of the Courts below, nor any could be pointed out by the learned counsel. No substantial question of law arises for consideration.

6. Dismissed.

7. Pending applications, if any, are disposed of as having been rendered infructuous.

(TRIBHUVAN DAHIYA)
JUDGE

28.10.2022

Ashwani

Whether Speaking/Reasoned :
Whether Reportable :

Yes/No
Yes/No