

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

CWP No.2707 of 2016

Date of Decision : 04.05.2022

Mohinder Singh

.. Petitioner

Versus

**The Executive Engineer, Electrical Division No.1, Chandigarh and
others**

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rajesh Narang, Advocate
for the petitioner.

Mr. Sumeet Jain, Addl. Standing Counsel
for the respondents-UT, Chandigarh.

HARSIMRAN SINGH SETHI J. (ORAL)

The present petition has been filed with a prayer that the service benefits in respect of Ranjit Singh, son of the petitioner, who was working as an electrician with the respondent-UT, Chandigarh, and died while in service on 17.11.2008, be released as the said Ranjit Singh died unmarried and the petitioner is the only legal heir surviving as the wife of the petitioner (mother of Ranjit Singh) died prior to the death of Ranjit Singh.

As per the facts mentioned in the writ petition, son of the petitioner, namely, Ranjit Singh, who was working as an electrician, died while in service on 17.11.2008. After the death, the petitioner requested for the release of the service benefits in respect of the service rendered by his son, Ranjit Singh but the same were not released to him on the ground that house No.3313/2, Sector 38-D, Chandigarh, is still being

occupied by the family of the deceased Ranjit Singh and therefore, till the possession of the said house is surrendered back to UT, Chandigarh, the benefits in respect of the service rendered by late Ranjit Singh cannot be extended to the petitioner, who though is the sole surviving legal heir for the entitlement of said benefits.

As the service benefits in respect of the service rendered by late Ranjit Singh were not being extended to the petitioner, the present writ petition has been filed seeking a direction to the said effect to UT, Chandigarh.

After notice of motion, the respondents have filed the reply. In the reply, it has been mentioned that initially house No.3313/2, Sector 38-D, Chandigarh was allotted to late Ranjit Singh and thereafter, he was allotted another house being house No.304-A, Sector 29-A, Chandigarh and as the possession of house No.3313/2, Sector 38-D, Chandigarh has not been handed over back to the Chandigarh Administration and the bill/dues of Rs.4414/- in respect of house No.304-A, Sector 29-A, Chandigarh are also pending, therefore, the benefits in respect of the service rendered by late Ranjit Singh could not be extended to the petitioner.

Learned counsel for the petitioner has controverted the assertions made on behalf of the respondents by attaching the information supplied to the petitioner under the Right to Information Act that house No.3313/2, Sector 38-D, Chandigarh was allotted to late Ranjit Singh at a prior point of time before the allotment of house No.304-A, Sector 29-A, Chandigarh but, no document handing over the possession of house

No.3313/2, Sector 38-D, Chandigarh exists on the file of the concerned house. Meaning thereby, that the possession of the said house was never extended to late Ranjit Singh after allotment of H. No.3313/2, Sector 38-D, Chandigarh as Ranjit Singh was thereafter allotted another accommodation i.e. H. No.304-A, Sector-29/A, Chandigarh, possession of which was given to him.

Learned counsel for the petitioner has further asserted that two houses can not be allotted to the same employee simultaneously whereas, in the present case, it has been shown that two houses were in the possession of late Ranjit Singh, son of the petitioner at the time of his death, which is not permissible under the rules and hence, the respondents are liable to be directed to release the service benefits to the petitioner as the possession of house No.3313/2, Sector 38-D, Chandigarh was never handed over to late Ranjit Singh during his lifetime and was not with the petitioner at any given point of time.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

It has been conceded by learned counsel appearing on behalf of the Union Territory, Chandigarh that an employee cannot get allotment of two houses simultaneously.

Learned counsel submits that there is nothing on record as to how two houses were allotted in the name of deceased Ranjit Singh simultaneously. It has been further conceded by learned State counsel that there is no letter on record handing over the possession of house No.3313/2, Sector 38-D, Chandigarh in favour of deceased Ranjit Singh

during his lifetime, though Ranjit Singh was allotted the said house.

That being so, nothing has come on record to show that Ranjit Singh was handed over the possession of house No.3313/2, Sector 38-D, Chandigarh, hence seeking the surrender of possession of the said house does not arise. Nothing has been placed on record to controvert the statement of learned counsel for the petitioner that the possession of house No.3313/2, Sector 38-D, Chandigarh though might have been allotted in favour of late Ranjit Singh, son of petitioner, but the possession of the same was never given to him during his lifetime.

Keeping in view the said factual assertion which have gone unrebutted in the pleadings, it can be very well said that the possession of house No.3313/2, Sector 38-D, Chandigarh was never handed over to late Ranjit Singh during his lifetime. Further, nothing has been shown to this Court that how two houses can be allotted and given possession of to an employee simultaneously. Rather, learned counsel for the respondents has submitted that only one house can be allotted to an employee at one given point of time. Learned counsel for the petitioner further submits that even if an employee has been allotted a better accommodation at a later stage, before giving the possession of the subsequent house, the employee needs to vacate and surrender the possession of the earlier house. If that being so, it is a conceded position that house No.3313/2 Sector 38-D, Chandigarh was allotted to late son of the petitioner at prior given point of time and thereafter House No.304-A, Sector29-A, Chandigarh was allotted to him. Therefore, it can be safely assumed that the possession of House No.3313/2, Sector 38-D, Chandigarh was never given to him as he was

given possession of house subsequently allotted to him i.e. House No.304-A, Sector 29-A, Chandigarh. Therefore, withholding the service benefits of late Ranjit Singh to be disbursed to the petitioner being the sole legal heir, is totally arbitrary and illegal and is on the ground which are not sustainable in the eyes of law and are also on incorrect facts.

Learned counsel for the petitioner undertakes that in case of dues in respect of house No.304-A, Sector 29-A, Chandigarh amounting to Rs.4414/-, be deducted from the monetary benefits which the petitioner has been entitled to receive.

Keeping in view the above, it is held that the petitioner's son was not occupying house No.3313/2, Sector 38-D, Chandigarh during his lifetime and the amount which is being sought from the petitioner as rent/penal rent of the said house is not liable to be paid, hence the respondents are directed to compute the service benefits in respect of the service rendered by late Ranjit Singh and extend the said monetary benefits to the petitioner within a period of two months from the date of receipt of certified copy of this order.

This petition stands allowed in the above terms.

May 04, 2022

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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No