

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

**CM-1347-49-CWP-2023 in
CWP-417-2023
Date of decision : 16.02.2023**

Ramniwas and others

...Petitioners

Vs.

Union of India and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. R.S.Mamli, Advocate
for the applicant-petitioners.

MANOJ BAJAJ, J.

Petitioners have filed this writ petition under Article 226 Constitution of India for issuance of a writ in the nature of certiorari for setting aside the cancellation of allotment of company quarters, (Annexures P-2 to P-32) dated 31.10.2022, whereby the allotment of houses in their favour has been cancelled by respondent No.2-Hindustan Machine Tools (HMT) Ltd., as a consequence of their retrenchment from service.

Today, petitioners have moved an applications bearing No.CM-1347-49-CWP-2023 for placing on record the decision dated 08.08.2022 passed in bunch of writ petitions with lead case bearing CWP No.27483-2016, whereby the writ petitions filed by employees of HMT including the petitioners challenging their retrenchment were dismissed. Apart from it, petitioners have also filed the grounds of letters patent appeal and other documents etc.

Learned counsel states that the main case is fixed for 28.03.2023 and notice is yet to be issued, therefore, he prays that the hearing in the main case be pre-poned.

For the reasons mentioned in the applications, same are allowed. Annexures A-1 to A-4 are taken on record and the date of hearing in the main writ petition is also pre-poned to today.

Learned counsel submits that the petitioners were allotted houses by respondent No.2-HMT, which are being occupied by them for a long time and though the petitioners were removed from service by way of retrenchment, but the said decision is yet to attain finality. He further submits that the decision dated 08.08.2022, whereby the writ petitions filed by the employees of respondent No.2 raising the grievance against illegal retrenchment were dismissed, but against the said decision, the LPA is still pending adjudication, and in this regard learned counsel has invited the attention of the Court to the grounds of appeal (Annexure A-3). He submits that through the impugned decisions (Annexures P-2 to P-32), the respondents have abruptly cancelled the allotment of houses and as a result, the petitioners are facing eviction. He prays that till the letters patent appeal is decided, the petitioners be protected by restraining the respondents from evicting them.

During the course of hearing, it is not disputed by learned counsel that previously also the petitioners faced similar notice dated 13.08.2021, whereby the occupants of the houses were called upon to clear the pending dues towards electricity and water charges, with an intimation that in the event of failure to clear the dues, the eviction proceedings would be initiated against them, and this Court during the pendency of the earlier writ petitions filed by the retrenched employees vide order dated 09.09.2021 (Annexure A-2) proceeded to stay the said notices. Mr. Mamli, learned counsel fairly states that upon dismissal of the writ petition on 08.08.2022, the interim protection dated

09.09.2021 ceased to exist and in the Letters Patent Appeal, no relief relating to the eviction of the employees/petitioners has been prayed for.

Upon hearing the learned counsel and considering the material on record, this Court comes to the conclusion that the issue relating to the retrenchment of petitioners has already been answered against them by this Court in previous writ petitions vide decision dated 08.08.2022, which is the subject matter of the letters patent appeal and admittedly the petitioners have not prayed for any interim relief in the said appeal. Thus, this Court has no hesitation in holding that in the garb of challenge to the impugned cancellation of allotment letters, the petitioners are seeking interim protection against their eviction pursuant to their retrenchment from service. Apparently, the cause of action projected in this writ petition is misplaced.

Resultantly, no case is made out for exercise of extra ordinary writ jurisdiction.

Dismissed.

(MANOJ BAJAJ)
JUDGE

16.02.2023
vanita

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