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2023:PHHC:166541

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-15160-2021

DECIDED ON: 27th JULY, 2023

GURVINDER SINGH

PETITIONER

VERSUS

THE HARYANA STATE AGRICULTURAL MARKETING BOARD
AND OTHERS

RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. A.K. Walia, Advocate, for the petitioner.

Mr. Jagbir Malik, Advocate, for respondent No.1 to 3.

SANDEEP MOUDGIL, J

1. The jurisdiction of this Court under Article 226 of the Constitution of India has been invoked seeking a writ in the nature of *Certiorari* to quash the impugned letter No. 55254, dated 04.08.2021 (Annexure P-3) issued by respondent No.2 whereby, allotment of House No. 47, E Type, Marketing Board Colony, Sector 14, Panchkula which had been allotted to the petitioner vide letter No. 65791, dated 16.10.2019 (Annexure P-1) issued by respondent No.2, has been cancelled, with further prayer for quashing impugned letter No. 55195, dated 04.08.2021 (Annexure P-4) whereby, the said house has been allotted to respondent No.4.

2. Learned counsel for the petitioner has argued that the house in question has been allotted to respondent No.4 under undue influence and

pressure, as he is not an employee of the Board and is a Haryana Government employee working as Senior Scale Stenographer with Additional Chief Secretary to Government of Haryana, Agriculture and Farmer Welfare Department, who is the Administrative Secretary of Board and the house has been allotted to respondent No.4 without being entitled to allotment of house in Marketing Board Colony, Sector 14, Panchkula, as the houses are meant for allotment of Haryana Marketing Board Employees only. He further argued that in the impugned letter (Annexure P-3) no reason whatsoever has been assigned for cancellation of the house allotted to the petitioner vide letter dated 16.10.2019 (Annexure P-1).

3. Mr. Jagbir Malik, learned counsel for respondents No.1 to 3 has vehemently argued that the impugned letter dated 04.08.2021 (Annexure P-3) has been passed by respondent No.3 strictly in accordance with Haryana State Agricultural Marketing Board (hereinafter referred to as 'HSAMB'), Houses Allotment Rules, 1999 (for short Rules of 1999). He further argues that as per criteria for allotment and seniority given in the Rules of 1999, the petitioner was not eligible for allotment of house in question because the applications of senior employees of the petitioner for allotment of E Type house are still pending and while rectifying the mistake order dated 04.08.2021 (Annexure P-3) has been passed by the competent authority.

4. Mr. Malik, has further argued that the petitioner will be allotted E Type house as per his entitlement in view of the Rules of 1999, as per his seniority. The grievance of the petitioner for the allotment of House No. 47 to respondent No.4 does not survive because allotment of

this house in favour of respondent No.4 stands already cancelled vide order dated 09.08.2021 and he has been allotted House No. 127A, E Type situated in Sector 14, Panchkula as per his entitlement in view of Rules of 1999 and House No. 47, E Type, is still vacant and will be allotted to the eligible employee as per seniority.

5. No other argument has been raised.
6. Heard learned counsel for the respective parties.
7. The petitioner was allotted the house in question wrongly and as the petitioner was not eligible for allotment of the house in question as the applications of senior employees for allotment of E Type house were pending and the impugned letter dated 04.08.2021 (Annexure P-3) has rightly been passed by the competent authority while rectifying the mistake. As the allotment of house in question in favour of respondent No.4 has already been cancelled vide order dated 09.08.2021, therefore, the the challenge of the petitioner to allotment of house in question in favour of respondent No.4 does not survive. Moreover, the stand taken by respondents No.1 to 3 has nowhere been controverted by the petitioner at any point of time.
8. In view of the discussions made hereinabove, this Court does not find any merit in the present petition and the same stands dismissed being devoid of any merit with no order as to costs.

(SANDEEP MOUDGIL)
JUDGE

27th JULY, 2023
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1. Whether speaking/ reasoned : Yes / No
2. Whether reportable : Yes / No