

plaintiff filed a civil suit for permanent injunction restraining the defendant from dispossessing the plaintiff from the suit property and from creating any kind of interference in the continuous peaceful possession of the plaintiff over the suit property/house in question. Along with the suit, an application for grant of temporary injunction was also moved.

4. Defendant contested the suit and filed written statement. Reply to the aforesaid stay application was also filed by the defendant. It is common case of the parties that that the plaintiff is an employee of Shri Krishna Ayurvedic College and Hospital, Kurukshetra, which is an autonomous body. The plaintiff was allotted House No.C-20 in D.C. Colony, Kurukshetra, vide order dated 03.04.2019. Vide letter/notice dated 27.04.2023, defendant directed the plaintiff to vacate the said house so that the same can be allotted to the employee of the State Revenue Department.

5. Learned counsel for the plaintiff has argued that house in question was allotted to the plaintiff as per rules. As per conditions of the allotment, a house can only be got vacated when the employee residing in that house has retired or dismissed from service or has been transferred from that station. There are many other employees of different departments residing in that colony, who were allotted government accommodation. They also did not belong to the State Revenue Department. It is further submitted that vide order dated 17.02.2023, House No.C-15 is allotted to Smt. Bharti, ADIO, O/o NIC, Kurukshetra, House No.C-02 is allotted to Baljeet Singh, Driver, District Red Cross Society, Kurukshetra and vide order dated 22.06.2023, House No.C-6 is allotted to Smt. Neelam Kumari, DCWO, Bal

Bhawan, Kurukshetra. All of them did not belong to the State Revenue Department. So, action of the defendant is mala fide. Plaintiff is not having any other house to reside in.

6. Learned State counsel, on the other hand, has submitted that as per letter dated 10.04.1995, issued by the Financial Commissioner and Secretary to Govt. Haryana, Revenue Department, it has been decided that houses constructed out of the Revenue Department funds for Revenue Officers/staff should be allotted first to the Revenue Officers as per entitlement. In case, any house is left un-allotted, then that can be allotted to the officers of other department, if necessary. It is further submitted that as per office record, there are 51 applications pending for allotment of houses, out of which, approximately 15 applications are related to the employees of Revenue Department. In compliance of the aforesaid instructions, memo dated 13.06.2023 was issued to the plaintiff. The reply given by the plaintiff was put up before the Collector and Office was directed to get the house vacated. It is further submitted that job of the plaintiff is non-transferable, which will also defeat the rights of other eligible employees to get the accommodation. It has also been argued that the plaintiff is working in an autonomous body and it is the duty of that autonomous body to provide houses to its employees. There is no prima facie case in favour of the plaintiff.

7. I have heard learned counsel for the parties and perused the case file.

8. On asking, learned State counsel has submitted that there are no

rules framed by the State of Haryana for getting the houses vacated from the employees of different departments, who are already occupying the same, for getting them allotted to the officials of Revenue Department. The learned State counsel has placed on file a copy of letter dated 19.01.2024, issued by Deputy Commissioner, Kurukshetra to the Advocate General, Haryana, Chandigarh, wherein it is written that the petitioner was allowed to retain the government accommodation for five years but the allotment letter issued to the plaintiff does not contain any such clause. The house was allotted to the plaintiff vide letter dated 03.04.2019. No record has been produced by the State revealing that at that point of time, no application of Revenue Department was pending for allotment and the house was allotted being a surplus house. The contents of the allotment letter issued to the plaintiff show that the house falls in the 'Common Pool' and the plaintiff would vacate the house in case of retirement, transfer etc., as the case may be. The letter dated 19.01.2024 from Deputy Commissioner, Kurukshetra to the Advocate General, Haryana, Chandigarh is against the allotment letter dated 03.04.2019 issued to the plaintiff. It is not mentioned in said letter that the house was allotted for five years. At the time of allotment, the instructions issued vide letter dated 10.04.1995 were already in existence and there is no explanation as to whether those were complied with at that time or not. Even as mentioned above, House No.C-15 is allotted to an official of office of NIC, Kurukshetra, House No.C-02 is allotted to a Driver of District Red Cross Society, Kurukshetra and House No.C-6 is allotted to an employee of DCWO, Bal Bhawan, Kurukshetra between January 2023 to

June 2023. Therefore, it is clear that houses, out of 'Common Pool' are being allotted to different officials from different departments. No ground is pleaded as to why the plaintiff is being asked to vacate the house against order of allotment. Once an employee is allotted a government accommodation, then he/she has got the right to retain its possession as per the terms and conditions of allotment letter and not otherwise. The plaintiff has not violated any term or condition of the allotment letter. The State cannot act in an arbitrary manner. So, prima facie, there exists a case in favour of the plaintiff.

9. Keeping in view all the facts and circumstances enumerated above, since there is prima facie case in favour of the plaintiff and balance of convenience is also in her favour, this Court is of the view that if she is not granted temporary injunction, then she would suffer irreparable loss and injury. So, it is held that the impugned orders passed by both the Courts below are not sustainable in the eyes of law.

10. Accordingly, the present revision petition is allowed and the order dated 20.11.2023, passed by learned Trial Court (Annexure P-2) as well as the order dated 21.12.2023, passed by learned Appellate Court (Annexure P-1) are hereby set aside. The petitioner is allowed to retain the house in question till the disposal of the suit filed by her. However, the defendant is free to get the house vacated in accordance with law, strictly following the policy of the State Government or by considering that the person, who has been allotted house first, would be ordered to vacate the same at the last.

11. Nothing contained herein above shall have an expression of

opinion on the merits of the case.

12. Pending applications, if any, shall stand disposed of along with this judgment.

February 07, 2024
monika

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.