

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(101) CM-4739-CWP-2024 in/and
CWP-10610-2022
Decided on : 21.03.2024

Shiv Kumar Sharma

.....Petitioner(s)

Versus

Union of India and others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA,
ACTING CHIEF JUSTICE
HON'BLE MS.JUSTICE LAPITA BANERJI**

Present: Mr. APS Rana, Advocate for the petitioner.

Mr. Satya Pal Jain, Additional Solicitor General of India
with Mr. Shobit Phutela, Senior Panel Counsel
for respondent Nos.1 & 2.

Mr. Jaivir Singh Chandail, Advocate
for the applicant/respondent-U.T. Chandigarh
respondent Nos.3 to 7.

Mr. Gyan Parkash Saini, Advocate for
Ms. Ashima Mor, Advocate for respondent No.8.

G.S. Sandhawalia, Acting Chief Justice (Oral)

Challenge herein in the present writ petition filed under Article 226 of the Constitution of India is to the order dated 17.06.2021 (Annexure P-12), whereby the Chandigarh Administration had rejected the claim as such of the petitioner for allotment of Government Accommodation on the ground that he was working with the State Legal Services Authority, U.T. Chandigarh (SLSA) and, therefore, not covered under the definition of Rule SR-317-AM-2(h) & (i) of the Government Residences (Chandigarh Administration General Pool) Allotment Rules,

1996. Resultantly, the petitioner challenged the definition of “eligible employees” and “eligible offices” in the said rule on the ground that they are getting salary from the consolidated fund and, therefore, by exclusion, it was violative of Article 14 of the Constitution of India as well as the provisions of Legal Services Authority Act, 1987 and the Chandigarh Legal Services Authority Rules, 1997 (for short ‘1997 Rules’).

2. On 25.01.2024 the following order was passed:-

“Learned Additional Standing Counsel, Union Territory, Chandigarh, has handed over copy of a letter dated 23.01.2024 sent by the Secretary, House Allotment Committee, Chandigarh, to the Member Secretary, State Legal Services Authority, U.T. Chandigarh, along with copy of the letter dated 16.11.2023 addressed by the Secretary, House Allotment Committee, Chandigarh, to the Home Secretary, Chandigarh Administration. Both these letters are taken on record as Mark ‘A’.

Paragraph 3 of the aforesaid letter dated 16.11.2023 reads as under :-

“As regards allotment of Government housing to employees of SLSA, as per Rule 2(h)(i) of House Allotment Rules, 1996, the employees who are employed on full time basis and are getting their salary from the Consolidated Fund are entitled for allotment of Government accommodation of General Pool of Chandigarh Administration. Further, the Government is facing an acute shortage of housing and as per seniority list available on e-awas portal, 10,587 Nos. of applicants are awaiting allotment of government accommodation in different categories of houses in the general pool houses of Chandigarh Administration.”

It has been informed that the Government houses have been allotted by the Chandigarh Administration to the Secretary, State Legal Services Authority, U.T. Chandigarh, as well as to the Officers of the District Legal Services Authority, Chandigarh. Since salary to the

employees of the State Legal Services Authority, UT Chandigarh, is being given from the Consolidated Fund, therefore, they are entitled for allotment of Government accommodation of General Pool of the Chandigarh Administration. Hence, direction is being issued to the Chandigarh Administration to make a separate pool for the employees of the State Legal Services Authority, Chandigarh, for allotment of Government accommodation, within a period of six weeks.

List again on 07.03.2024.”

3. Today, an application bearing CM-4739-CWP-2024 has been filed for modification of the above said order. Keeping in view the averments made in the application, we prepone the hearing from 30.04.2024 to today itself and taken up the main case.

4. In the application, it has been averred that after careful deliberation and to ensure that all employees are treated alike and equally qua allotment of government accommodations, it has been proposed that subject to the orders of this Court, instead of creating a separate pool for SLSA Employees, the rule in question should be relaxed to render them eligible for Government residence from the General Pool Houses of Chandigarh Administration. It has, accordingly, been averred that the first part of the order dated 25.01.2024 has been duly complied with and the petitioner and other employees of SLSA are being considered for allotment of General Pool Accommodation of the Chandigarh Administration being fully eligible. It has accordingly been prayed that if a modification in the order dated 25.01.2024 is done, it would comply with Rule 10 & 15 of the 1997 Rules, which envisages equivalent status, privileges and facilities to SLSA Employees vis-à-vis regular government employees.

5. Keeping in view the above, we are of the considered opinion that the present writ petition has been rendered infructuous, since the respondents-Chandigarh Administration by virtue of CM-4739-CWP-2024 have now decided to consider the employees of the SLSA, Chandigarh to be eligible for allotment of Government Accommodation, which was the main relief sought, since they were being unnecessarily excluded.

6. Counsel for the petitioner also has no grouse, if the writ petition is disposed of, in view of the fair stand taken by the Chandigarh Administration now.

7. Resultantly, the present writ petition is disposed of binding down the Administration to its undertaking given. Since the main writ petition itself stands disposed of, interim order also does not survive any more. All pending civil miscellaneous application(s), if any also stand disposed of.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

21.03.2024
Naveen

(LAPITA BANERJI)
JUDGE

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