



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

**CWP No.15520 of 2024 (O&M)
Date of Decision: 11.07.2024**

Parveen Kumar

..... Petitioner

Versus

Chandigarh Administration through Advisor to Administrator, UT Chandigarh
and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Piyush Aggarwal, Advocate
for the petitioner.

Ms. Nandita Aggarwal, Advocate for
Mr. Sumeet Jain, Addl. Standing Counsel, UT, Chandigarh
for the respondents.

MAHABIR SINGH SINDHU, J.

Present writ petition has been filed under Article 226 of the Constitution, *inter alia*, for quashing the impugned order dated 14.02.2024 (P-8), whereby allotment of House No.13/2387, Sector 27, Chandigarh was cancelled by respondent No.5-Secretary, House Allotment Committee, Chandigarh while exercising powers under the Government Residences



(Chandigarh Administration General Pool) Allotment Rules, 1996 (*for short 'Rules of 1996'*).

(2) Contends that request for voluntary retirement of petitioner was wrongly accepted by the department vide order dated 29.08.2023 (P-5) before expiry of three months' notice period and as a result thereof, allotment of his official residence has been cancelled. Further contended that order accepting voluntary retirement is already under challenge before learned Central Administrative Tribunal, Chandigarh Bench, Chandigarh (*for short 'CAT'*) in OA No103/CH/2024 (P-7) and which is pending for 24.07.2024. Again contended that despite availing various opportunities, respondents have not filed any response before learned CAT and thus, they are unnecessarily delaying the proceedings. In support of the above contentions, learned Counsel for the petitioner has relied upon **"J.N.Srivastava Versus Union of India and another"**, reported as 1998(9) SCC 559. Lastly contended that after passing of the impugned order dated 14.02.2024, petitioner has been dispossessed from the house in question in a hasty manner, under the garb of order dated 22.03.2024 (P-11), passed by respondent No.6 while exercising the powers of Estate Officer under the Public Premises (Eviction of Unauthorized Occupants) Act, 1971, (*for short 'PP Act'*), but an appeal (P-12) there-against is pending in the Court of learned District Judge, Chandigarh.

(3) Heard learned Counsel for the petitioner and perused the paper-book.



(4) It is not in dispute that petitioner had submitted Notice for voluntary retirement from the post of Peon on 05.06.2023 and which was accepted on 29.08.2023 by Labour Commissioner, Union Territory, Chandigarh being the competent authority and copy of the same was endorsed to petitioner on the same day. Also noteworthy that consequent upon acceptance of his voluntary retirement, petitioner was relieved from service on 04.09.2023 (P-6). Concededly, orders dated 29.08.2023 as well as 04.09.2023 (*supra*) are under challenge before learned CAT, but there is no interim stay against the operation of both these orders.

Since acceptance of voluntary retirement as well as relieving of petitioner are already under challenge before learned CAT, therefore, it would not be appropriate for this Court to express any opinion regarding legality and validity of these orders; rather petitioner is left to pursue his remedy before learned CAT, in accordance with law.

In such a scenario, the judicial precedent **J.N.Srivastava's case** (*supra*) relating to the point of voluntary retirement would also be not helpful to the petitioner in any manner at this stage.

(5) Apart that, it is an admitted fact that possession of house in question has already been taken over from the petitioner in pursuance of the order dated 22.03.2024, passed by Estate Officer under the PP Act and that is also subject matter of challenge in an appeal, but again no interim stay has been granted by learned District Judge in favour of the petitioner.



Above all, as on today, petitioner is not a government employee; rather relationship of employee-employer has come to an end with effect from 29.08.2023. Thus, until the order of his voluntary retirement is set aside, petitioner would not be entitled for any government house under the Rules of 1996.

(6) In view of the above, there is no option, except to dismiss the petition.

(7) Ordered accordingly.

(8) However, the petitioner, if so desires, would be at liberty to remove/collect his articles/goods lying in House No.13/2387, Sector 27, Chandigarh under supervision of some responsible officer from the Office of respondent No.5-Secretary, House Allotment Committee, Chandigarh.

It is also clarified that above observations be not construed as an expression of opinion on the proceedings pending before CAT, as well as learned District Judge in appeal (P-12) under the PP Act.

Pending application(s), if any, shall also stand disposed off.

11th July, 2024
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes