

2025:PHHC:049326-DB



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

CWP-7083-2022 (O&M)

Date of decision: 08.04.2025

SURJIT KAUR

.....Petitioner

Versus

THE GREATER MOHALI AREA DEVELOPMENT AUTHORITY
& ORS.

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MRS. JUSTICE SUKHVINDER KAUR**

Present:- Mr. Anmol Rattan Sidhu, Advocate with
Mr. Gurpreet Singh, Advocate and
Mr. Rahul Kesar, Advocate for the petitioner.

Ms. Harpriya Khaneka, Advocate for respondents
No.1 and 2.

Mr. Kuljit Singh, Addl. A.G., Punjab.

SUDHIR SINGH, J.

The present writ petition has been filed for seeking issuance of a writ in the nature of Certiorari quashing orders dated 05.10.2021 and 04.02.2022 (Annexure P.2 and P.8 respectively), whereby her application form for the allotment of a residential plot has been rejected on the ground that she is neither entitled to a plot under Category 'C' nor that under Category 'K'.

2. The petitioner, claiming herself to be widow of Late Ex-Hav/CLK Baldev Singh, had applied for allotment of a residential plot measuring 300 square yards in Eco City-2, S.A.S Nagar, Mohali under

the ex-servicemen's category. She remained successful in the draw of lots, but at the time of the scrutiny of her document, it had surfaced that she was not eligible for allotment of the said plot under Category 'C-2' as mentioned in her application form. Accordingly, the respondent-Estate Officer, GMADA, SAS Nagar, Mohali, rejected her claim. The petitioner alleges that the impugned action of the respondent-authorities in rejecting her application/allotment is illegal, arbitrary and against the policy and the Rules made by the State Government.

3. In the written statement filed by respondents No.1 and 2, it is admitted that the petitioner remained successful in the draw of lots, but it is pointed out that during the scrutiny of the documents of the petitioner, it was found that she was not eligible for the allotment of the plot for the reason, that she did not fall in Category C-2, as mentioned in the application form submitted by her for which the draw of lots was held on 22.02.2021. It is further pointed out that the eligibility of the petitioner was to be determined on the basis of the Brochure issued for the scheme in question. It is further pointed out that the applications for allotment of the residential plots under the scheme in question could have been submitted under two categories by the defence personnel i.e., Category C2 and Category-K and the petitioner did not fall in either of the said categories and, thus, her claim was rightly rejected by the respondent-authorities.

4. In a short reply filed on behalf of respondent No.3, while toeing the stand taken by respondents No.1 and 2 in their written statement, it is pointed out that according to the Kendriya Sainik

Board Guide Book-2022, the petitioner herself does not fall under ex-servicemen Category, but she is entitled to get benefit of a widow of ex-serviceman under Clause (c) for issuance of an identity card and for the benefits as available to widow of ex-servicemen, according to the scheme formulated by respondents No.1 and 2.

5. Learned Senior counsel appearing for the petitioner has vehemently argued that the impugned orders passed by respondent No.2 are totally illegal and untenable in the eyes of law. It is further argued that the petitioner being the widow of an ex-serviceman falls under the definition of ex-serviceman as contained in Section 2 Sub-Section 2(e) of the Punjab Ex-servicemen Corporation Act, 1978 (for short 'the 1978 Act'). It is further argued that once it is not disputed by the respondent-authorities that the petitioner is a widow of an Armed Forces personnel, rejection of her claim is arbitrary and inequitable. It is also argued that after the death of the husband of the petitioner, her being the legal heir of him, she would fall under the definition of ex-serviceman and even by an ordinary prudence, such a conclusion would be just and legal. Accordingly, a prayer has been made for quashing the impugned orders passed by the respondent No.2.

6. On the other hand, learned counsel appearing for respondents No.1 and 2, while referring to the contents of the written statement filed on behalf of respondents No.1 and 2, submits that the petitioner is not covered by the definition of Ex-serviceman, as described in the eligibility criteria contained in the Brochure inviting the applications for allotment of the residential plots in Eco City-2,

New Chandigarh Scheme. It is further argued that the reliance of the learned Senior counsel for the petitioner on the provisions of 1978 Act is misplaced for the reasons that the said Act does not operate qua the allotment of the plots in question and the said process is only governed by the terms and conditions mentioned in the Brochure of the scheme.

7. We have heard learned counsel for the parties and have also gone through the file of the case.

8. The only question that requires determination in the present writ petition is as follows:-

“Whether the petitioner is covered by the definition of Ex-serviceman as per the Brochure of the allotment of the residential plots under the scheme in question?”

9. The facts leading to the petitioner being successful in the draw of lots held on 22.02.2021 are not in dispute. As per the facts on record, her claim was rejected for the reason that at the time of scrutiny of the documents, it was found that she did not fall in the category of Ex-serviceman. As noticed above, the petitioner has sought to dispute the said stand of the respondents on the ground that as per the definition of the Ex-serviceman contained in the 1978 Act, a widow of an ex-serviceman is also covered by the definition of Ex-serviceman.

10. Annexure P-4 is the Brochure of the Scheme for allotment of residential plots at Eco City-2, New Chandigarh, SAS Nagar, Mohali. The eligibility criteria for the reserve category, stipulates as under:-

Sr. No.	Category	Eligibility criteria/documents required
1.	Schedule Caste/Schedule Tribe	A valid certificate issued by the Competent Authority as prescribed by the Government of Punjab.
2.	Defence and Paramilitary forces i) Serving and Retired Defence Personnel & Paramilitary Forces, ii) (a) 100% Disabled Soldiers of Punjab Domicile (b) 40% & above disabled soldiers of Punjab Domicile (in case plots/houses are left out after considering the applications received from 100% disabled soldiers).	In case of Serving and Retired Defence Personnel & Paramilitary Forces, and 100% disabled soldiers of Punjab Domicile:- A valid certificate issued by Concerned Authorised Officer of the Sainik Welfare department is required.
	xx	xx
4.	Legal Heirs (including War Widows) of Army/Paramilitary forces, Punjab Police Personnel killed in action (war or on law & order duty)	Legal heirs (including War Widows) of Army (Paramilitary Forces, Punjab Police Personnel killed in action (War or on law and order duty):- a valid certificate issued by the Concerned Authorised Officer of the Sainik Welfare Department. In case of Punjab Personnel, killed in action (war or law and order duty) a valid certificate issued by the D.G.P. Punjab/Deputy Commissioner as the case may be required.
	xx	xx

11. From the perusal of the aforesaid two Clauses i.e., Clause 2(C-2) and Clause 4 (Category-K), it is clear that the petitioner is not covered by the said eligibility criteria. As per Clause C-2, only serving and retired Defence Personnel and Para Military Forces, are eligible, whereas in Category-K, the legal heirs, including the war widows of Army, Paramilitary Forces, Punjab Police Personnel killed in action (war or in law and order duty) are eligible. In the instant case, though the status of the petitioner being widow of Ex Army

personnel is not disputed, but her husband's status is not covered by the above definition. Her claim could only be maintained if her late husband had been killed in action; war or on law and order duty. Still further, it is settled law that the Brochure is the final document and the same cannot be tinkered with unless followed by any corrigendum. The reliance of the learned Senior counsel for the petitioner on the provisions of Section 2 Sub-Section 2(e) of the 1978 Act, is of no help to the petitioner.

12. In view of the above, finding no merit in the present petition, the same is hereby dismissed.

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

[SUDHIR SINGH]
JUDGE

[SUKHVINDER KAUR]
JUDGE

08.04.2025

himanshu

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No