

Rajinder Parsad Vs Union of India

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: March 11, 2014

Acts Referred: Administrative Tribunals Act, 1985 " Section 19

Citation: (2014) 175 PLR 251

Hon'ble Judges: Hemant Gupta, J; Anita Chaudhary, J

Bench: Division Bench

Advocate: Ajay Shekhawat, Advocate for the Appellant

Final Decision: Dismissed

Judgement

Hemant Gupta, J.

The petitioners are the civilians working with the different branches of the Army Establishment at Ferozepur. The

petitioners were allotted Government Married Accommodation in Ferozepur Cantonment for a period of 6 months on temporary basis on different

dates from 2008 to 2011. The allotment was with a further condition that quarter will be vacated on demand and no representation would be

entertained. It was in April 2013 an order was issued to all the petitioners to vacate the Government Married Accommodation. Such notice was

challenged by the petitioners by way of an original application u/s 19 of Administrative Tribunals Act, 1985 before the Central Administrative

Tribunal, Chandigarh Bench, Chandigarh (for short "the Tribunal"). Such notice was challenged that as per the policy of Government of India, the

petitioners were entitled to retain the Government Accommodation allotted to them at Ferozepur and that since their children are studying in school

and their families are residing at Ferozepur, they should be allowed to retain such accommodation. In the written reply, it was pointed out that the

petitioners were allotted Government Married Accommodation at Ferozepur Cantonment from the Defence Pool which had been constructed on

the basis of authorized strength of Army Officers as per Key Location Plan of the station vide Station Headquarters Ferozepur Cantonment. These

quarters are meant for the Armed Forces personnel and not for civilians. Since some of these quarters were lying vacant, in order to obtain

optimum benefit of the vacant quarters, the petitioners were offered allotment notwithstanding the fact that they were not eligible for this type of

accommodation. It is categorically asserted that petitioners were not eligible for Government Married Accommodation meant for Armed Forces

personnel at Ferozepur at the cost of eligible Army personnel.

2. After considering the respective contentions, on the basis of the offer of the respondents that the petitioners would be permitted to retain the

accommodation allotted to them till 31.03.2014, the learned Tribunal did not find any merit in the original application and dismissed the same with

the condition that the petitioners shall be allowed to retain the accommodation till 31.03.2014. It is said order which is subject matter of challenge

in the present petition.

3. Learned counsel for the petitioners has vehemently argued that the requirement of the Armed Forces personnel can easily be met from the

accommodation, the details of which are available in Annexure P-9. It is also pointed out that many other civilians are occupying such

accommodation. Therefore, the action of the respondents in directing the petitioners to vacate the premises is discriminatory and arbitrary.

4. We have heard learned counsel for the petitioners and find no merit in the present writ petition. It is not disputed that the accommodation

allotted to them is meant for personnel of the Armed Forces. The petitioners were allotted such accommodation on temporary basis with a view to

utilize vacant quarters. Even if some of the quarters are vacant, as per Annexure P-9, which is the list of quarters under repair, it will not confer any

enforceable right in the petitioners to continue in the accommodation meant for personnel of the Armed Forces. It has been noticed that the

accommodation is meant for Captains/Majors but the petitioners who are the civilian employees working in the Allied Departments of the Armed

Forces, cannot retain the premises at the cost of personnel for whom such flats are meant. Even if some of the civilians are permitted to occupy the

premises, that will not lead to any enforceable right to continue with the occupation of the accommodation meant for the Armed Forces. The

petitioners are the licensees and were allotted quarter for limited time. No right of them is violated, if the quarters are sought to be vacated for the

use of personnel for whom such quarters are meant. We do not find any error in the order passed by the Tribunal, which may warrant interference

in the present writ petition.

Dismissed.