

IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

COPC No. 79 of 2021.

Decided on : 24th April, 2021.

Dr. Rattan Singh

...**Petitioner.**

Versus

Sh. Suneel Sharma & another

....**Respondents.**

Coram:

The Hon'ble Mr. Justice Sureshwar Thakur, Judge.

Whether approved for reporting?

For the Petitioner: Mr. Parkash Sharma, Advocate.
For the Respondents: Mr. Surender Verma, Advocate.

Sureshwar Thakur, Judge (Oral).

Heard. The relevant operative portion of the verdict rendered by this Court on 9th November, 2020, upon, CWPOA No. 4607 of 2020 stands extracted hereinafter:-

“However, the respondents-University, is/are, directed, to, within three weeks, from today, convene, a , meeting of the House Allotment Committee and the latter shall consider in accordance with the relevant Rules, the application of the writ petitioner, for his being, granted an accommodation, other than the one, which he is

¹ Whether reporters of the local papers may be allowed to see the judgment?

...2...

enjoying. All pending applications are disposed of.”

2. In compliance therewith, the respondents convened the meeting of the House Allotment Committee, and, the proceedings drawn in the afore meeting are extracted hereinafter:-

“The committee thoroughly examined and verified the relevant record and it was found that there is only one Type-IV residential accommodation i.e. Set No.22, vacant in the Teachers' Colony (40 Flats), which was recently vacated by Prof Laxman Singh Thakur. In this context it was also found that the said residential accommodation i.e. Set No.22 needs to be renovated in order to make it habitable as per report of the Executive Engineer (Maintenance) Divn.-II dated 11.08.2020.

After detailed discussion, the Committee unanimously decided that the matter of the petitioner Dr. Rattan Singh will be duly considered as per rules in order of his seniority amongst the other eligible applicants as and when the next meeting of the Committee will be held for which the petitioner Dr. Rattan Singh is required to apply through proper procedure on the proforma for change of accommodation.”

3. A conjoint perusal of the afore consideration order, and, resultant thereto proceedings drawn by the House

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Allotment Committee, the relevant portion whereof, stands extracted hereinabove, clearly personify that the residential accommodation as now available with the House Allotment Committee, for allotment to the applicants concerned, is under renovation. Necessarily, the afore consideration order, did not make, any peremptory direction(s), upon, the respondents to ensure allotment of the available/vacant accommodation, if any, vis-a-vis, the applicant, and, also it did not cast any obligation, upon, the respondents, to de hors the relevant rules, make allotment of the afore accommodation to the petitioner, rather when the allotment of the residential accommodation to the petitioner was subject to compliance being meted with the all the relevant rules, thereupon, the writ petitioner cannot make any contention before this Court that the extant available vacant accommodation be allotted to him. Consequently, there is no merit in the extant contempt petition, and, it is dismissed accordingly. However, the respondents are directed to ensure that after completion of the renovation of the extanty available

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vacant residential accommodation, and, also as and when other than the afore residential accommodation(s), becomes available for allotment to the allottees concerned, they shall bearing mind the seniority of the applicant/petitioner herein, and hence consider the petitioner's claim for allotment in accordance with the relevant rules. All pending applications also stand disposed of.

(Sureshwar Thakur)
Judge

24th April, 2021.
(jai)