

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1. CWP No.7369 of 2009

DATE OF DECISION: September 14, 2011

GIAN SINGH AND OTHERS ...PETITIONER

VERSUS

HUDA AND ANOTHER ...RESPONDENTS

2. CWP No.13670 of 2010

OM PARKASH DUHAN AND OTHERS ...PETITIONER

VERSUS

HUDA AND ANOTHER ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SATISH KUMAR MITTAL.
HON'BLE MR. JUSTICE M.JEYAPPAUL.

1. Whether the judgement should be reported in the digest? Yes

PRESENT: MR.VIVEK KHATRI, ADVOCATE FOR THE PETITIONER.
MR.SIDHARATH BATRA, ADVOCATE FOR THE RESPONDENTS.

M. JEYAPPAUL, J.

1. The petitioners sought for an issuance of a writ in the nature of certiorari for quashing the order passed by respondent No.2 on the applications submitted by the petitioners.

2. The brief case of the petitioners is that the petitioners who are the retired CRPF personnel applied for allotment of plots in Sector 5 in District Hisar and Sector 18, Rewari respectively complying with all the formalities. But respondent No.2 rejected their application forms without assigning any reason. It is contended that as per the advertisement, they being the personnel from paramilitary forces, are entitled to allotment as per the eligible criteria for allotment.

3. The respondents have contended in their reply that the

petitioners being retired CRPF personnel do not fall under the category of ex-servicemen and that, therefore, they are not entitled to allotment as per the criteria laid down by the respondents. It has also been contended that the allotment made inadvertently to some of the retired CRPF personnel had been cancelled.

4. We heard the submissions made on either side.

5. The eligibility criteria for making an application for allotment under Special Category by the defence personnel would read that the defence personnel, serving and ex-serviceman and defence personnel, namely, paramilitary forces, like CRPF, BSF, ITBP, RAF, GSF, CFER, etc. of Haryana State are eligible to apply for allotment of plots as per the scheme floated by the respondents.

6. The Government of India, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training in its memo of proceedings No.36034/585-Estt.(SOT) dated 27.03.1987, has defined ex-serviceman to mean a person who has served in any rank whether as combatant or non-combatant in the regular Army, Navy or Air Force of the Indian Union and who retired from such service after earning his pension or who has been released from such service on medical ground or who has been released otherwise than his own request as a result of reduction in establishment or who has been released from such service after completing the specific period of engagements.

7. The CRPF personnel who retired from service would not fall under the above definition of ex-serviceman. As per the scheme floated by the respondents for allotment of plots to the special category, a person from

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paramilitary forces like CRPF, BSF, ITBP, RAF, GSF, CIBF, etc. of Haryana State are eligible to make an application only when they are in service and not otherwise. But the defence personnel from Army, Navy or Air Force, whether serving or ex-servicemen, are in fact entitled to apply for the plots as per the scheme floated by the respondents. It appears that the petitioners have misconstrued the eligibility criteria laid down by the respondents under the scheme floated for the ex-serviceman and defence personnel to apply for allotment of plots. In our considered view, the respondents have rightly rejected the application of the petitioners as they had not fulfilled the eligibility criteria as serving CRPF personnel.

8. As regards the other contention that some of the retired CRPF personnel had been allotted plots in the earlier scheme floated by the respondents, it has been informed to the Court by the respondents that those allotments have been cancelled, having found by the respondents that those allotments had been inadvertently made to the retired CRPF personnel who did not strictly fall under the eligibility criteria. Even otherwise, the petitioners cannot seek a relief from this Court invoking the writ jurisdiction to compel the respondents-authority to perpetuate the wrong inadvertently committed by them.

9. In view of the above, we find that there is no merit in the writ petitions and therefore, both the writ petitions are dismissed.



(M.JEYAPAUJ)
JUDGE

(SATISH KUMAR MITTAL)
JUDGE

September 14, 2011
Gulati

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PUNJAB AND HARYANA HIGH COURT

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IN THE HIGH COURT FOR THE STATES OF
PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. B 670 of 2010

1. Om Parkash Duhan son of Sohan Lal, R/o House No.2002/3, New Mata Road, Rajeev Nagar Gurgaon, District Gurgaon.
2. Ram Rattan Singh son of Sh. Mathura Dass, R/o V.P.O. Beri, Tehsil Beri, District Jhajjar.
3. Teja Singh son of Sh. Chandi Ram, R/o V.P.O. Beri, Tehsil Beri, District Jhajjar.
4. Uday Ram son of Dhera Ram, R/o V.P.O. Jhook, Tehsil and District Mahendergarh.

.....Petitioners

Versus

1. Haryana Urban Development Authority, through its Chief Administrator, C-3, Sector-6, Panchkula.
2. Estate Officer, HUDA, Rewari, District Rewari.

.....Respondents

Civil Writ Petition under Article 226/227
of the Constitution of India, praying for
issuance of a writ in the nature of
certiorari for quashing/setting aside the
impugned Annexure P-2 to P-4 dated
21.07.2010, by which the applications of
the petitioners has been rejected without
assigning any reason.

It is also further prayed that
during the pendency of the present writ
petition, draw of the above stated plots
of defence sector-18, Rewari may kindly
be stayed, in the interest of justice.

AND/OR

Any other appropriate order or direction,
which this Hon'ble Court may deems fit
in the peculiar facts and circumstances
of the present case, may kindly be
passed in favour of the petitioners.

RESPECTFULLY SHOWETH:-

CWP No.13670 of 2010

DATE OF DECISION: September 14, 2011

OM PARKASH DUHAN AND OTHERS

...PETITIONER

VERSUS

HUDA AND ANOTHER

...RESPONDENTS

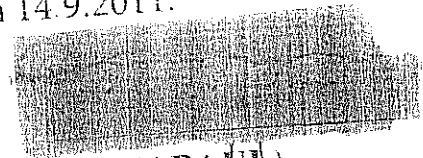
CORAM: HON'BLE MR. JUSTICE SATISH KUMAR MITTAL.
HON'BLE MR. JUSTICE M.JEYAPPAUL.

1. Whether the judgement should be reported in the digest? Yes/No

PRESENT: MR.VIVEK KHATRI, ADVOCATE FOR THE PETITIONER.
MR.SIDHARATH BATRA, ADVOCATE FOR THE RESPONDENTS.

M. JEYAPPAUL, J.

1. The writ petition is dismissed.
2. For judgement, see CWP No.7369 of 2009, titled as Gian Singh and others vs. HUDA and another, decided on 14.9.2011.



sd (M.JEYAPPAUL) JUDGE

sd (SATISH KUMAR MITTAL) JUDGE

September 14, 2011
Gulati



PUNJAB AND HARYANA HIGH COURT

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