

(2010) 07 SHI CK 0003
In the High Court Of Himachal Pradesh

Chet Ram Verma

APPELLANT

Vs

Dr. Y.S. Parmar University and Another

RESPONDENT

Date of Decision : 14-07-2010

Acts Referred:

Citation : (2010) 07 SHI CK 0003

Hon'ble Judges : Surinder Singh, J

Bench : Single Bench

Judgement

Surinder Singh, J.—The petitioner is an employee of the respondent University. Presently he is stated to be posted as Section Officer in the Department of Forestry. He was allotted house within the University Complex in the year 1981. At that time 1980 Rules were in vogue.

2. In the month of August, 1993 new Rules came into existence. It is alleged that in the year 1997, petitioner constructed his own house in village Damroo, District Solan, allegedly falling in the surrounding of Solan City.

3. Rule 3 of 1993 Rules provided that the University employees who own houses at their place of posting shall not be eligible for allotment of house unless essentially required to stay at Campus/research station. For this purpose, the Solan City and its surroundings shall be treated the same place and for other sides 8 k.m. from the Campus/Research Station. The decision applied equally whether the house is owned by the Officer/official or his/her wife husband or by his/her dependent children.

4. By invoking this clause, petitioner was issued various notices by the Estate Officer of the respondent University to which the petitioner did not respond nor made any representation to the quarter concerned but chose to file the application before the then Administrative Tribunal. Later the Tribunal was later abolished and all the pending cases, including the present one were transferred to this Court. This is how Original Application was registered as CWP(T) now.

5. Learned Counsel for the petitioner contended that the house in question of the

petitioner fell in the Panchayat area which is not in Solan City and does not fall in surrounding area, which has also not been defined in the Rules. He further stated that the house in question has been sold by the petitioner in the year 2006 and the petitioner has only one and a half years service to reach the age of superannuation, therefore, his case requires sympathetic consideration.

6. Keeping in view the aforesaid facts and subsequent events, it shall be expedient and also in the interest of justice that the petitioner files a representation to the Vice Chancellor of the respondent university, highlighting the circumstances and his difficulties, within a period of two weeks from the receipt of copy of this order and by invoking the provisions of Rule 22 of 1993 Rules, Vice Chancellor shall dispose of the representation of the petitioner sympathetically by passing a speaking/reasoned order within a period two months thereafter. Till then petitioner shall retain the accommodation occupied by him and recovery shall remain deferred which shall also be subject to final decision of the Vice Chancellor.

7. With these directions, the petition is disposed of. Dasti copy on usual terms.