
(1991) 05 P&H CK 0034

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 9488 of 1990

Kuldip Singh Josan

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision : 09-05-1991

Acts Referred:

Citation : (1991) PLJ 549 : (1991) 2 RRR 570

Hon'ble Judges : G.R.Majithia, J

Advocate : Dalip Singh Brar, Advocate., Advocates for appearing Parties

Judgement

G.R. Majithia, J.

1. In this petition under Articles 226/227 of the Constitution of India, the petitioner has impugned the order dated 27th July, 1989 by which his application for grant of house building advance was declined.

2. The petitioner is an employee of respondent No. 1. Respondent No. 1 issued instructions under which a government employee could be granted loan for purchase of builtup house. The petitioner was allotted a flat by the Punjab State Federation of Cooperative House Building Societies Ltd. The sale price is payable by quarterly instalment of Rs. 3166/-. After obtaining the order of allotment from the Federation, the petitioner moved the respondent for grant of house building advance. The respondent issued Instructions contained in latter No. FDLoans88SOI/1838, dated 18.2.1988 of Finance Department, Punjab, under which advance is payable for construction of house or for purchase of built up house. The petitioner has been denied house building advance only on the ground that he has not purchased a house but a flat. The distinction sought to be drawn is wholly uncalled for. If a government employee is entitled for advance for purchase of a builtup house, there hardly appears to be any justification for refusing to grant the house building advance for the purchase of a flat. The approach of respondent No. 1 cannot be appreciated. It is unfortunate that the respondent has denied the relief to the petitioner on wholly illegal and unwarranted grounds.

3. In C.W.P. No. 1624 of 1987 decided on January 13, 1988 somewhat identical matter came up for consideration before this Court and this Court directed that the house building advance is payable for purchase of a dwelling unit. This judgment has not been reversed. The respondent ought to have released the house building advance in terms of the decision in C.W.P. No. 1624 of 1987.

4. For the reasons stated above, the writ petition succeeds. Orders dated July 27, 1989 are quashed. The respondents are directed to release the house building advance to the petitioner within one month from the date of receipt of copy of this order, under the rules.