
(2012) 03 SHI CK 0348
In the High Court Of Himachal Pradesh
Case No : CWP No. 552 of 2011-A

Smt. Kanta Devi

APPELLANT

Vs

State of H.P.

RESPONDENT

Date of Decision : 02-03-2012

Acts Referred:

Citation : (2012) 03 SHI CK 0348

Hon'ble Judges : Sanjay Karol, J

Bench : Single Bench

Judgement

Sanjay Karol, Judge

1. Petitioner has prayed for the following reliefs:

1. That the respondent may kindly be directed to allot Type-III, Ste No. IV accommodation in favour of the petitioner which has been illegally occupied by one Sh. Aneesh Shyam, despite the fact that he has been allotted Set No. 5, type-IV accommodation, or
2. that the respondents may kindly be directed to allot Type-I, Set No. IV accommodation in favour of the petitioner which has been allotted to one Sh. Jagdish Chand Driver, who is junior to the petitioner, by ignoring the priority of the petitioner;
3. that the entire record pertaining to the case of the petitioner may also be called for; and
4. any other relief as may be deemed fit just and proper keeping in view the facts and circumstances of the case may also be granted in favour of the petitioner organization.

It is seen from the record that petitioner's promotion as Class-III employee is subject matter of challenge before this Court. Allegedly on the basis of false information furnished by the petitioner and forged documents submitted by her,

she was promoted, which order was subsequently rectified by the State. Petitioner unsuccessfully challenged the same before this Court and now the matter is pending before this Court by way of LPA No. 242 of 2010, titled as Kanta Devi versus State of H.P. and others. Undisputedly, judgment delivered by the learned Single Bench of this Court against the petitioner has not been stayed in the said LPA and as such petitioner is continuing to officiate as Class-IV employee.

3. It is also not in dispute that in accordance with the entitlement of Class-IV employee, petitioner has been allotted government accommodation, in terms of the H.P. Allotment of Government Residences (General Pool) Rules, 1994. Accommodation available with the Government stands allotted to the petitioner. However, fact of the matter is that actual possession thereof could not be handed over to her for the reason that wards of the previous allottee are yet continuing to occupy the same.

4. Decision in LPA No. 242 of 2010, as referred to hereinabove, shall have direct bearing on petitioner's entitlement to a larger accommodation. Hence, only limited relief can be granted to the petitioner, at this stage. Present petition is disposed of with the direction to the respondents-State to immediately take steps for getting the premises already allotted to the petitioner vacated and possession thereof handed over to her. The needful be positively done, in accordance with law, within a period of four weeks from today. Pending application(s), if any, also stand disposed of.