

Legal current affairs

Kashmiri Pandits who wanted to keep their government flats after retirement were denied remedy by the Jammu & Kashmir High Court.

Recently in the case of *Indar Krishan Raina v. Union of India*, the High Court stated that the retired Kashmiri Pandits do not have an inalienable entitlement to government housing because they purchased homes in Delhi and Mohali.

The High Court of Jammu and Kashmir and Ladakh recently ordered three Kashmiri Pandits who retired as State Bank of India (SBI) workers to leave properties assigned to them by the bank, stating that they do not have any inalienable right to government housing.

Justice Sindhu Sharma was hearing petitions filed by SBI's former Chief Manager, Manager, and Deputy Manager, all of whom were disputing the bank's decision to withdraw large sums from their pension accounts to pay for the rental of properties allocated to them during their employment.

After thousands of Kashmiri Pandits were forced to flee the Valley in 1990, the petitioners moved to Jammu. They argued that because they had no other place to live, they had the right to remain in the apartments.

However, the judge remarked in the record,

"The petitioners were not allotted the accommodation on the basis of their being migrants from the Valley rather the accommodation was allotted to them by virtue of their being serving employees of the Bank on nominal license fee."

The petitioners referenced the Supreme Court's decision in the *JL Koul* case, in which the court permitted state government employees to keep the housing that had been assigned to them since they were unable to live in their own homes in the Valley. The Court of Appeal, on the other hand, found that

*"The judgment in **J L Koul's** case isn't applicable on the present case as the appellants in that case were permitted to retain their respective accommodation at Jammu for safety reasons. The petitioners' contention is not that they have no other residential accommodation rather they submit that they have no accommodation in Jammu and, therefore, the respondents are under*

obligation to allow them to occupy the residential accommodation as per the principle adopted by the State Government..."

The Bench further noted that the previous Chief Manager and Manager had already acquired properties in Delhi and Mohali, while the Deputy Manager had sought for a housing loan to buy a new property, based on the arguments and evidence on record.

In response to a judgement by the Supreme Court in a case, Justice Sharma stated that the petitioners cannot be regarded to be defending their right to shelter when they already had substitute accommodation.

"This apart, the petitioners have concealed all these material facts from this Court while filing the writ petition. They have not approached this Court with clean hands and they had already availed housing loan and are owners of flats/residential accommodations at Delhi and Mohali, thus their petitions fail," the judge said.

As a result, the Bench dismissed their petitions, ordering them to evacuate the premises within 30 days.

Keywords- Jammu & Kashmir High court, SBI employees, government flats