



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

213

CWP-14716-2019

Date of Decision: 17.09.2025

Om Veer**....Petitioner****Versus****The Central Administrative Tribunal, Chandigarh and others****....Respondents**

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. Rakesh Sobti, Advocate
for the petitioner.

Mr. Amit Arora, Advocate
for respondent No.2.

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the challenge is to the order dated 05.04.2019 (Annexure P-1) passed by the Central Administrative Tribunal, Chandigarh Bench, Chandigarh, (for short 'the Tribunal') by which the Original Application No.060/704/2017 filed by the petitioner challenging the orders dated 20.05.2017 (Annexure A-8) as well as dated 21.06.2017 (Annexure A-10) has been partially accepted as, the allotment of the house in favour of the petitioner which was cancelled by the respondent vide order dated 20.05.2017 has been dismissed by the Tribunal, whereas the penal rent imposed upon the petitioner qua retaining of said accommodation demanded by the respondent, vide order dated 21.06.2017 has been set aside.

2. Learned counsel appearing on behalf of the petitioner submits



-: 2 :-

that not only the department concerned but even the Tribunal has failed to appreciate the provisions of law, which has been made the basis for cancellation of the allotment of the house in favour of the petitioner.

3. Certain facts needs to be mentioned for the correct appreciation of the issue in hand.

3.1 The petitioner joined the Rail Coach Factory, Kapurthala (RCF) on 20.04.1991 as Chargeman 'B' Mech. and while he was working on the said post, he applied for the allotment of government accommodation but could not get the same keeping in view the seniority of the petitioner.

3.2 In the year 2013, the petitioner was sent on deputation from Rail Coach Factory, Kapurthala to RITES and thereafter, he worked there for a period of approximately two years and was reverted back to his parent department to the RCF, Kapurthala, where he joined on 07.11.2015.

3.3 After the petitioner joined back RCF, Kapurthala, the petitioner was allotted House No.1028-D, Type-II in RCF Colony, on 31.08.2016 as per his seniority in the RCF, Kapurthala which was maintained from 20.04.1991. As the said house was not fit for human habitation, the petitioner requested for the change of the accommodation and on 04.04.2017, the



-: 3 :-

petitioner was allotted House No.437-E, Type-II in RCF Colony, Kapurthala. The petitioner occupied the said house but within a period of one month, the respondent passed an order on 20.05.2017 cancelling the allotment of House No.437-E, Type-II in RCF Colony, Kapurthala, on the ground that after the petitioner was sent on deputation, his seniority to claim the house allotment w.e.f 20.04.1991 cannot be retained and the same has to be fixed at bottom after the petitioner joined back in RCF, Kapurthala on 07.11.2015. Thereafter, another order was passed by the respondent on 27.06.2017 not only rejecting the representation filed by the petitioner against the cancellation but, also imposed the damages for not vacating the premises despite cancellation of the allotment in favour of the petitioner.

3.4 The petitioner challenged the said orders before the Tribunal. Upon notice of motion, the respondents appeared and relied upon Para 3.3 of the Draft Rules to say that the employees of the RCF, Kapurthala, who are transferred to other Railway/Public Sector Undertaking, their names will be deleted from the priority list for allotment of quarter and therefore, the allotment made in favour of the petitioner was



-: 4 :-

contrary to Para 3.3 of the Draft Rules and has rightly been cancelled.

3.5 The Tribunal accepted the explanation of the respondent-Railway Department and upheld the order of cancellation while passing the impugned order dated 05.04.2019 (Annexure P-1) but set aside the damages which were being claimed by the Railway Department. The said order upholding the cancellation of the house allotment is under challenge in the present petition.

4. We have heard learned counsel for the parties and have gone through the case file with their able assistance.

5. Before proceeding further, it may be noticed that the petitioner is continuing to live in the accommodation allotted to him by virtue of the interim order dated 29.05.2019 passed by this Court and is in occupation of House No.437-E, Type-II in RCF Colony, Kapurthala.

6. The only question which arise for the determination is whether, upon being sent on deputation from RCF, Kapurthala to RITES in the year 2013, the petitioner loses the priority/seniority while claiming for government accommodation from the date he had applied for the said accommodation while working in RCF, Kapurthala i.e. 20.04.1991 and whether, Para 3.3 of the Draft Rules is applicable upon the petitioner or not. Para 3.3 of the Draft Rules which has also been reproduced in the impugned order dated 05.04.2019 (Annexure P-1) passed by the Tribunal, is reproduced hereunder



for the ready reference of this Court:-

“3.3 TRANSFER TO OTHER RAILWAY/PSU

The name of the employees transferred from RCF to other Railway/PSU will be deleted from priority list for allotment of quarter.”

7. A bare perusal of the above reproduced Rule would show that the same is only applicable where an employee who was earlier working in the RCF has been later on transferred to any other PSU and it is only in that case such employee loses his/her priority while claiming for accommodation. In the present case, the petitioner was concededly never transferred out of the PSU but was only sent on deputation to RITES and hence, his lien remained with the RCF for all intents and purposes.

8. The clause 3.3 of the Draft Rules reproduced hereinbefore which is applicable only upon a transferred employee cannot be made applicable to an employee, who remains the employee of RCF but is just working on deputation with another department. The respondents as well as the Tribunal has failed to appreciate the said fact while passing the impugned order.

9. Keeping in view the totality of facts as, the petitioner remained the employee of RCF, Kapurthala for all intents and purposes, his seniority for the purpose of allotment keeping in view the request which the petitioner had made for the allotment of the accommodation on 20.04.1991 has to be maintained by the RCF, Kapurthala, as while being on deputation with another department, his lien remained with RCF, Kapurthala. Hence, the cancellation of the allotment in favour of the petitioner by the respondent is misplaced and by invoking a clause which is not applicable in the facts and circumstances of



CWP-14716-2019

-: 6 :-

the present case, as it is a conceded fact that the petitioner was never transferred out of RCF at any given point of time but was rather sent on deputation to another department.

10. Keeping in view the above, the order dated 20.05.2017 (Annexure A-8) cancelling the allotment of the government accommodation in favour of the petitioner as well as the impugned order dated 05.04.2019 (Annexure P-1) passed by the Tribunal upholding the same are perverse to the rules governing the said issue and hence, cannot be sustained in the eyes of law and are accordingly set aside. The petitioner was rightly allotted the said government accommodation and he is entitled to avail the said accommodation in accordance with law.

11. Accordingly, the writ petition is allowed.

12. Pending application(s), if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

September 17, 2025

Varinder

Whether speaking/reasoned : Yes

Whether reportable : No